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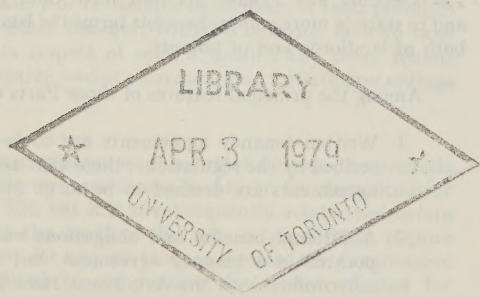
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Legislative Assembly

**An Act to reform the Law
respecting Residential Tenancies**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



EXPLANATORY NOTES

The Bill restates and reforms the law as it applies to residential tenancies and provides for the continuation, until December 31st, 1980, of the residential premises rent review program now governed by *The Residential Premises Rent Review Act, 1975*.

A new tribunal is established, under the name of the Residential Tenancy Commission, that will discharge the duties now performed by county court judges in respect of residential tenancy matters in general and as well the duties of Rent Review Officers and the Residential Premises Rent Review Board in respect of rent review matters.

It is intended that the new Commission will assume the rent review role on the 1st day of March, 1979 (*The Residential Premises Rent Review Act, 1975*, by section 20 of that Act, is repealed on the 28th day of February, 1979) and will at the earliest practicable date take over the function of the county court judges in respect of landlord and tenant matters generally. To provide for this transfer of jurisdiction, relevant portions of the Act will be proclaimed in force at the appropriate times. Matters in process at the time the Commission assumes jurisdiction will be carried forward to their conclusion by the body then seized of the matter.

Part IV of *The Landlord and Tenant Act*, that governs residential tenancies is repealed. The balance of that Act will continue to apply to non-residential tenancy matters and the Act is renamed *The Commercial Tenancies Act*.

Roomers and boarders will be afforded the benefits and be subject to the obligations of other tenants of residential premises; *The Innkeepers Act* is amended accordingly so that those persons will no longer come under that Act. The principal effect is that roomers and boarders will enjoy a measure of security of tenure and will not be liable to arbitrary eviction, nor may their personal belongings be seized by the landlord for arrears of rent.

The provisions of the substantive law relating to residential tenancies are found in Parts I to VII of the Bill. An attempt is made to shed the archaic terminology and the sometimes irrational distinctions embodied in *The Landlord and Tenant Act* that have their roots in medieval land law, and to state in more comprehensible terms the basic rights and responsibilities, both of landlords and of tenants.

Among the principal features of those Parts of the Bill are the following:

1. Written tenancy agreements are to be in the standard form prescribed by the regulations; those that are not, as well as oral tenancy agreements are deemed to be so (s. 5).
2. Additional benefits and obligations may, by agreement, be incorporated in a tenancy agreement, but only to the extent they do not conflict with the Act; house rules imposed by a landlord must be reasonable (s. 6).
3. Rent acceleration provisions may not be included in a tenancy agreement (s. 7).
4. Charges by a landlord in the nature of "key money" are prohibited (s. 10).

5. Express permission to breach an obligation does not prevent the enforcement of the obligation when another breach occurs (s. 12).
6. An assignment or a subletting by a tenant requires the landlord's consent (which may not be unreasonably withheld); no charge may be made for granting the consent except to cover the landlord's reasonable expenses, in any event not to exceed \$50. The Commission may dispense with the necessity for the consent where it is shown the landlord has unreasonably withheld it (s. 16).
7. Procedures are set out providing for the manner in which a landlord may deal with personal property left by a tenant when the tenant abandons or vacates the rental unit (s. 62).
8. Wherever an obligation is imposed on a landlord or on a tenant, appropriate remedies are, on application to the Commission, available to the party aggrieved when a breach of the obligation occurs.
9. Failure to comply with an order of the Commission is an offence punishable on conviction by a fine of up to \$2,000, or, in the case of a corporation, \$25,000 (s. 119).
10. Alternatively, failure on the part of a tenant to comply with an order of the Commission may result in the tenant being evicted; on the part of a landlord, it may result in a further order of the Commission directing the tenant's rent being paid to the Commission (ss. 43, 44).
11. Every landlord is to maintain, and have available for inspection, a rent schedule showing the current rent being charged for each rental unit in his building, as well as the last rent charged, and to post a notice indicating where the schedule may be examined (s. 33).
12. Public utilities are required to give seven days notice if they intend to cut off service to a residential complex; on receipt of such notice, the Commission may require tenants of the complex to pay their rent to the Commission, to be used by the Commission to restore or prevent the discontinuance of the supply of the utility (ss. 29, 110).
13. A tenant is subject to eviction where his conduct unreasonably interferes with the safety or reasonable enjoyment of their premises by the landlord or other tenants; where a landlord fails to take appropriate action in respect of such a tenant, any other tenant affected by the disruptive tenant's conduct may initiate proceedings (s. 38).
14. A landlord may regain possession of a rental unit on the grounds he requires it for his own residence (s. 51) or for demolition or extensive repairs (s. 52), but if it is subsequently established before the Commission that the landlord did not, in good faith, require possession of the unit for any of those purposes, the Commission may order the landlord to compensate the tenant affected for moving expenses and any increase in rent the tenant incurred as a result (s. 53).
15. The tenant's right to privacy is confirmed, and the circumstances under which a landlord is entitled to enter the tenant's rental unit are made clear (s. 26).

16. On the application of a landlord, prompt eviction of a tenant may be ordered by the Commission where it is established the tenant has seriously breached an obligation, such as unreasonable interference with the safety of others or causing extraordinary damage (s. 39).
17. For the guidance of landlords, circumstances that establish when a tenant has vacated or abandoned a rental unit are set out (s. 1 (2, 3)).
18. Where a tenant is uncertain as to who is entitled to be paid the rent for his unit, he may apply to the Commission to ascertain the matter (s. 21).
19. It is made clear that a landlord is responsible for providing and maintaining in a good state of repair not only the rental unit and the residential complex in which it is situate but also services and facilities promised by him; conversely the tenant is obligated to maintain the unit and the services and facilities of which he has exclusive use in a state of ordinary cleanliness and is responsible for any damage to them caused by his wilful or negligent conduct (ss. 28, 37, 40).

Part VIII of the Bill establishes the Residential Tenancy Commission. Its members are appointed by the Lieutenant Governor in Council for renewable terms not exceeding five years each, and a Commissioner may only be removed from office during his term for misbehaviour or inability to properly perform his duties. The general supervision over the conduct of the affairs of the Commission is vested in a Board of Directors composed of a number of Commissioners designated by the Lieutenant Governor in Council. One of the members of the Board of Directors will be designated Chief Tenancy Commissioner, and will be the chairman and chief executive officer of the Commission.

In addition to its adjudicative functions, the Commission will advise and assist the public on all residential tenancy matters and generally ensure that landlords and tenants are aware of their respective benefits and obligations (s. 78).

The Commission has exclusive jurisdiction to hear and determine all residential landlord and tenant matters, except those in which a monetary claim in excess of \$1,000 is in issue; those claims may be brought before a court of competent jurisdiction, and such courts are empowered in that case to stay any collateral proceedings before the Commission and to deal with those matters as though the court were the Commission (s. 81).

Matters otherwise outside the jurisdiction of the Commission may nevertheless, on the consent of the parties affected, be arbitrated by the Commission, in which case the decision of the Commission is binding on the parties and may be enforced as though it were an order of the Commission (s. 82).

Regions in Ontario will be established by the Minister and all applications to and proceedings before the Commission will be held in the region in which the residential complex in question is situate (ss. 83, 84).

Part IX of the Bill governs procedures before the Commission: these are designed to be expeditious and convenient (the Commission may operate evenings and week-ends), and will not require the payment of fees (ss. 89-91).

On receipt of an application, the Commission will attempt to settle the matter by mediation and agreement by the parties (except where the application is for whole building rent review under Part XI). Failing agreement, a hearing will be held before a single Commissioner (ss. 99, 100).

An appeal from the order of a single Commissioner may be taken and will be heard by an appeal panel composed of three members of the Board of Directors of the Commission (s. 114).

A further appeal, on a question of law, may be taken to the Supreme Court (s. 115).

On a hearing the Commission will itself question the parties and their witnesses; the Commission may also conduct inquiries or inspections it considers necessary, and, in making its determination, may consider any relevant information it has obtained, in addition to the evidence given at the hearing (ss. 104-106).

Parties to a proceeding are entitled to examine all material filed with the Commission relevant to the proceeding (s. 103).

Part X of the Bill contains the regulation-making authority of the Lieutenant Governor in Council and specifies offences under the Act.

Part XI of the Bill governs rent review and extends that program until December 31st, 1980. The maximum increase permitted without application to the Commission is 6 per cent until December 31st, 1979. For the final year of the program the maximum increase permitted may be prescribed by regulation.

The Bill provides for one rent review per building per year where a landlord wishes to increase rents by more than 6 per cent. On a whole building review application, the Commission will determine the total rent increase to be permitted and how that increase is to be apportioned among the rental units. In making that apportionment, the Commission may consider variations in the rents being charged for similar units within the complex; discrepancies may thus be eliminated or reduced. Where the Commission finds it necessary, in order to relieve a landlord from hardship, it may allow a rent increase sufficient to bring gross revenue to not more than 2 per cent above operating costs. Exempted from rent review are:

1. Rental units owned or operated by governments or their agencies.
2. Rental units in buildings no part of which was occupied as a rental unit before January 1st, 1976.
3. Mobile homes or mobile home sites not in existence before January 1st, 1976.
4. After December 31st, 1979, rental units having monthly rentals of \$500 or more, if exempted by regulation.

Additionally, in the case of buildings containing six or fewer rental units, a landlord and a tenant, with the approval of the Commission, may agree to a rent increase in the prescribed form, in which case the rent review provisions of Part XI will not apply. Upon the expiration of the agreement, rent review will again apply to the rental unit and the method of determining the maximum rent then chargeable is set out (s. 130 (2) (b)).

Where a landlord reduces a tenant's rent in a municipality designated by the Minister as economically depressed, provision is made for the landlord, not sooner than twelve months later, to increase the rent and the method of determining the maximum rent then chargeable is set out.

Part XII of the Bill deals with transitional matters consequent on the coming into force of the new Act and the transfer of jurisdiction to the Residential Tenancies Commission.

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BILL 163

1979

An Act to reform the Law respecting Residential Tenancies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “benefits and obligations” includes all benefits and obligations, regardless of whether they touch and concern the land and regardless of whether they relate to things that were in existence at the time the tenancy agreement was made;
- (b) “Board of Directors” means the Board of Directors of the Commission;
- (c) “caretaker’s unit” means a rental unit used by a person employed as a caretaker, janitor, manager, watchman, security guard or superintendent in respect of the residential complex in which the rental unit is situated;
- (d) “Commission” means the Residential Tenancy Commission established under Part VIII;
- (e) “landlord” includes the owner, or other person permitting occupancy of a rental unit, and his heirs, assigns, personal representatives and successors in title and a person, other than a tenant occupying the rental unit, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;
- (f) “mail” means first-class, registered or certified mail;

- (g) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (h) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (i) "mobile home park" means the rental units, and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord, where two or more occupied mobile homes are located for a period of sixty days or more;
- (j) "non-profit co-operative housing corporation" means a corporation incorporated without share capital under *The Co-operative Corporations Act, 1973* or any predecessor thereof or under similar legislation of Canada or any province, the main purpose and activity of which is the provision of housing for its members, and the charter or by-laws of which provide that,
 - (i) its activities shall be carried on without the purpose of gain for its members,
 - (ii) on dissolution, its property after payment of its debts and liabilities shall be distributed to non-profit or charitable organizations,
 - (iii) housing charges, other charges similar to rent, or any other charges payable by members are decided by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and
 - (iv) termination of occupancy rights may be brought about only by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and that the member whose occupancy rights are terminated has a right to appear and make representations prior to such vote;
- (k) "prescribed" means prescribed by the regulations made under this Act;

- (l) "rent" includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant to a landlord or his agent for the right to occupy a rental unit and for any services and facilities, privilege, accommodation or thing that the landlord provides for the tenant in respect of his occupancy of the rental unit, whether or not a separate charge is made for such services and facilities, privilege, accommodation or thing;
- (m) "rent deposit" means a security deposit that section 9 does not prohibit a landlord from requiring or receiving;
- (n) "rental unit" means any living accommodation or site for a mobile home used or intended for use as rented residential premises and includes a room in a boarding house or lodging house;
- (o) "residential complex" means a building, related group of buildings or mobile home park, in which one or more rental units are located and includes all common areas, services and facilities available for the use of residents of the building, buildings or park;
- (p) "security deposit" means money or any property or right paid or given by a tenant to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;
- (q) "services and facilities" includes,
 - (i) furniture, appliances and furnishings,
 - (ii) parking and related facilities,
 - (iii) laundry facilities,
 - (iv) elevator facilities,
 - (v) common recreational facilities,
 - (vi) garbage facilities and related services,
 - (vii) cleaning or maintenance services,
 - (viii) storage facilities,
 - (ix) intercom systems,

- (x) cablevision facilities,
- (xi) heating facilities or services,
- (xii) air-conditioning facilities,
- (xiii) utilities and related services;

(r) "subsidized public housing" means a rental unit rented to persons or families of low or modest income at reduced rents by reason of public funding provided by Canada, Ontario or a municipality or by any agency thereof, pursuant to the *National Housing Act* (Canada), *The Housing Development Act* or *The Ontario Housing Corporation Act*, and where the amount of the reduced rent is determined by the income of the tenant;

(s) "tenancy agreement" means an agreement between a landlord and a tenant for occupancy of a rental unit, whether written, oral or implied;

(t) "tenant" means a person who pays rent in return for the right to occupy a rental unit and his heirs, assigns and personal representatives and a sub-tenant is a tenant of the person giving the sub-tenant the right to occupy the rental unit.

Idem

(2) For the purposes of this Act, a tenant has vacated the rental unit and the residential complex where the tenancy has been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or
- (b) the tenant does not ordinarily live in the rental unit, and the rent he has paid, including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

Idem

(3) For the purposes of this Act, a tenant has abandoned the rental unit and the residential complex where the tenancy has not been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or
- (b) the tenant does not ordinarily live in the rental unit, has not expressed an intention to resume living in the rental unit, and the rent he has paid,

including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

2.—(1) This Act applies to rental units in residential complexes and to tenancy agreements, despite any other Act and despite any agreement or waiver to the contrary. Application
of Act

(2) Where a provision of this Act conflicts with a provision of any other Act, other than *The Condominium Act*, the provision of this Act applies. Conflict
R.S.O. 1970,
c. 77

3. This Act is binding on the Crown.

Act binds
Crown

4. This Act does not apply to,

Exemptions
from Act

- (a) temporary living accommodation provided in a hotel, motel, inn, tourist home or hostel;
- (b) living accommodation occupied as a vacation home for a seasonal or temporary period;
- (c) living accommodation situate on a farm where occupancy of the premises is conditional upon the occupant continuing to be employed on the farm;
- (d) living accommodation occupied by a member of a non-profit co-operative housing corporation;
- (e) premises established to house persons for penal, correctional, rehabilitative, or therapeutic purposes;
- (f) living accommodation established to temporarily shelter persons in need;
- (g) living accommodation provided by a hospital or nursing home;
- (h) living accommodation provided by a religious institution for a charitable use on a non-profit basis;
- (i) living accommodation provided by an educational institution for its students or staff;
- (j) living accommodation situate in a building or project used in whole or in part for non-residential purposes where occupancy of the premises is conditional upon the occupant continuing to be an employee, or perform services related to a business or enterprise carried on in the building or project;

- (k) premises occupied for business or agricultural purposes with living accommodation attached under a single lease unless the person occupying the living accommodation is a person other than the person occupying the premises for business or agricultural purposes, in which case the living accommodation shall be deemed to be a rental unit;
- (l) such class or classes of accommodation as are designated by the regulations.

PART I

TENANCY AGREEMENTS

Agreement
may be oral
or written

5.—(1) A tenancy agreement may be made orally or in writing.

Term
of oral
agreement

(2) An oral tenancy agreement for a term or period greater than one year shall be deemed to be a tenancy agreement for one year only.

Standard
form of
agreement

(3) A written tenancy agreement shall be in the prescribed form and shall be signed by the parties or their agents.

Agreements
deemed in
prescribed
form

(4) Every tenancy agreement not in the prescribed form shall be deemed to be in the prescribed form, the provisions of which shall apply to the tenancy.

Non-
application of
R.S.O. 1970,
c. 436

(5) *The Short Forms of Leases Act* does not apply to tenancy agreements made under this Act.

Commence-
ment of
tenancy

(6) The term or period of a tenancy shall be measured from the date the tenant is entitled to occupy the rental unit under the tenancy agreement.

Agreements
take effect
without
occupancy

(7) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for the commencement of the term or period regardless of whether the tenant has occupied the rental unit.

Remedy
where
occupancy
not given

(8) Where, on the application of a tenant, the Commission determines that the tenant was not permitted to occupy the rental unit in accordance with the tenancy agreement, the Commission may make an order requiring the landlord to compensate the tenant for loss suffered as a result of not being permitted to occupy the unit.

Additions
to standard
form

6.—(1) In addition to the benefits and obligations contained in the prescribed form of tenancy agreement, a land-

lord and tenant may provide in a written tenancy agreement for other benefits and obligations which do not conflict with this Act, but where an obligation concerns the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord, the obligation cannot be enforced unless it is reasonable in all the circumstances.

(2) A landlord shall not establish or modify, nor can he enforce, rules concerning the tenant's use, occupancy or maintenance of the rental unit and residential complex or use of services and facilities provided by the landlord unless they are in writing, made known to the tenant and reasonable in all the circumstances. House rules to be reasonable

(3) Unless shown to be otherwise, for the purposes of this section, a rule or obligation is reasonable where it is, Where rule reasonable

(a) intended to,

(i) promote fair distribution of services and facilities to the occupants of the residential complex,

(ii) promote the safety or welfare of persons working or residing in the residential complex, or

(iii) protect the landlord's property from abuse;

(b) reasonably related to the purpose for which it is intended;

(c) applicable to all tenants in a fair manner; and

(d) sufficiently clear in its prohibition, direction or limitation of the tenant's conduct to inform him of what he must do or must not do in order to comply with it.

(4) A landlord or a tenant may apply to the Commission to determine whether a rule or obligation is reasonable in all the circumstances. Determination of reasonableness

7.—(1) A tenancy agreement shall not contain any provision to the effect that a breach of the tenant's obligations under the tenancy agreement or this Act results in the whole or any part of the remaining rent becoming due and payable, or result in a specific sum becoming due and payable, and any provision of this kind is void. Accelerated rent prohibited

Remedy
where
accelerated
rent paid

(2) Where, on the application of a tenant, the Commission determines that any moneys that the tenant has paid to the landlord have been paid under a provision in the tenancy agreement that is void under subsection 1, the Commission may make an order requiring the landlord to repay to the tenant the moneys so paid.

Delivery
of copy
of tenancy
agreement

8.—(1) Where a tenancy agreement is in writing, the landlord shall ensure that a copy of the agreement, signed by the landlord and the tenant, is given to the tenant within twenty-one days after it has been signed by the tenant and given to the landlord.

Failure to
deliver copy
of agreement

(2) Where the copy of the tenancy agreement is not given to the tenant in accordance with subsection 1, the landlord's right to enforce the tenant's obligation to pay rent is postponed until the copy is given to the tenant.

Security
deposits

9.—(1) A landlord shall not require or receive a security deposit from a tenant other than,

(a) in the case of a weekly tenancy, the rent for a period not exceeding two weeks; or

(b) in the case of a tenancy other than a weekly tenancy, the rent for a period not exceeding one month,

which shall be applied in payment of the rent for the period immediately preceding the termination of the tenancy.

Where rent
increased

(2) Where there has been a lawful rent increase, a landlord may require the tenant to pay, as an addition to the rent deposit, the amount necessary to increase the deposit to a sum not exceeding the new rent for the period to which the deposit is applicable.

Interest

(3) A landlord shall pay annually to the tenant interest on the rent deposit at the rate of 6 per cent per year or such other rate as is prescribed.

Remedies

(4) Where, on the application of a landlord or a tenant, the Commission determines that any sum of money is payable under this section or that a sum of money has been paid in excess of that permitted, the Commission may make an order requiring the payment of money in accordance with its determination.

Additional
charges
prohibited

10.—(1) A landlord shall not require or receive from a prospective tenant any payment, except rent, in respect of the granting of a tenancy, but nothing in this section

prevents a landlord from charging a tenant or prospective tenant for improvements to the rental unit requested by the tenant or prospective tenant where the improvements would not ordinarily be the responsibility of the landlord and any charge for the requested improvements shall be deemed not to be a rent increase under this Act.

(2) Where, on the application of a tenant or prospective tenant, the Commission determines that the tenant or prospective tenant has made any payment prohibited by subsection 1, the Commission may make an order requiring the landlord to return the payment to the tenant or prospective tenant. Remedy

11. A landlord or a tenancy agreement shall not require the delivery of any post-dated cheque or other negotiable instrument to be used for payment of rent. Post-dated
cheques

12. Express permission to breach, or the failure to enforce, an obligation under a tenancy agreement or this Act does not prevent the enforcement of the obligation where another breach occurs. Permission
to breach
obligation

13. To the extent that they are consistent with this Act, sections 38 and 39 of *The Commercial Tenancies Act* (which concern the effects of a tenant's bankruptcy) apply to rental units and tenancy agreements under this Act. Application of
R.S.O. 1970,
c. 236

PART II

CHANGE OF LANDLORD OR TENANT

GENERAL

14. Where there has been a change of landlord, all benefits and obligations arising under a written tenancy agreement or this Act, bind the new landlord. Change of
landlord,
benefits and
obligations
continue

15. Where there has been an assignment of a tenancy by a tenant, all benefits and obligations arising under a written tenancy agreement or this Act, bind the new tenant. Change
of tenant,
benefits and
obligations
continue

ASSIGNMENT AND SUBLETTING

16.—(1) A tenant may, subject to subsection 2, transfer his right to occupy the rental unit to another person, but the transfer may only be one of the following types: Right to
assign
or sublet

1. Where the tenant does not intend to return to the rental unit, he may give up all his interest in the rental unit to the other person, in which case the transfer shall be called an assignment.
2. Where the tenant intends to return to the rental unit, he may give the right to occupy the rental unit to the other person for a term ending on a specified date before the end of the tenant's term or period and provide that the tenant will resume occupancy on that date, in which case the transfer shall be called a subletting.

Consent

(2) An assignment or subletting is not valid unless,

- (a) the landlord has given his written consent, which consent shall not be unreasonably withheld; or
- (b) the Commission has made an order permitting the assignment or subletting to be made without the landlord's written consent.

Charge
for consent

(3) A landlord shall not make any charge for giving the consent referred to in clause *a* of subsection 2 except a sum to compensate the landlord for his reasonable expenses arising from the assignment or subletting, not exceeding \$50 or such other amount as is prescribed.

Form of
consent

(4) Consent to assign or consent to sublet shall be in the prescribed form and shall be signed by the landlord or his agent.

Form of
assignment

(5) An assignment shall be in the prescribed form and shall be signed by the tenant and the new tenant or their agents and, where there is a written tenancy agreement, a copy shall be attached.

Form of
subletting
agreement

(6) A subletting agreement shall be in the prescribed form and shall be signed by the tenant and the sub-tenant or their agents and, where there is a written tenancy agreement, a copy shall be attached.

When
assignment
or subletting
takes effect

(7) An assignment or subletting takes effect on the date the new tenant or sub-tenant is entitled to occupancy.

Subsidized
public
housing

(8) Subsection 1 does not apply to a tenant of subsidized public housing.

(9) Where, on the application of a landlord or a tenant, the Commission determines any question arising under this section, the Commission may make an order, Remedies

- (a) where the landlord has unreasonably withheld his consent, permitting the assignment or subletting to be made without the landlord's written consent; or
- (b) directing the payment of any moneys that are payable by one to the other.

17.—(1) Where, on the application of a landlord brought within sixty days of his learning of a transfer of occupancy, the Commission determines that there has been a transfer of occupancy that does not comply with, or is not permitted by, section 16, the Commission may make an order evicting the occupant on the earliest reasonable date. Improper assignment or subletting: remedy

(2) Where the landlord has not applied under subsection 1, the transfer of occupancy shall be deemed to have been a valid assignment from the time the new tenant first occupied the rental unit. Deemed valid assignment

(3) Where a transfer of occupancy has been deemed to be an assignment, the new tenant shall be entitled to demand a copy of the written tenancy agreement, if any, that is applicable to the rental unit. Delivery of copy of tenancy agreement

(4) Where a copy of the applicable written tenancy agreement is not given to the new tenant within twenty-one days of the new tenant's demand for it, the landlord's right to enforce the new tenant's obligation to pay rent is postponed until the copy is given to the new tenant or until the landlord has offered to enter into a new tenancy agreement with him. Failure to deliver copy of agreement

18. Where there has been an assignment under this Act, Consequences of assignment

- (a) the new tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period after the assignment, whether or not the breach began before the assignment;
- (b) the former tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period before the assignment;

- (c) the new tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period after the assignment, whether or not the breach began before the assignment;
- (d) the former tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period before the assignment; and
- (e) where the former tenant has started a proceeding under this Act before the assignment, and the benefits or obligations of the new tenant may be affected, the new tenant is entitled to join in or continue the proceeding.

Consequences
of subletting

19. Where there has been a subletting under section 16,

- (a) the tenant remains entitled to the benefits, and is liable to the landlord for the breaches of the tenant's obligations, under the tenancy agreement or this Act during the term of the subletting;
- (b) the sub-tenant is entitled to the benefits, and is liable to the tenant for the breaches of the sub-tenant's obligations, under the subletting agreement or this Act during the term of the subletting.

When
sub-tenant
must vacate

20.—(1) A sub-tenant has no right to occupy the rental unit after the end of the term of the subletting.

Remedy
against
overholding
sub-tenant

(2) Where, on the application of a tenant or a landlord, the Commission determines that a sub-tenant has continued to occupy the rental unit after the end of the term of the subletting, the Commission may make an order evicting the sub-tenant on the earliest reasonable date.

Deemed
valid
assignment

(3) Where a tenant or a landlord has not applied under subsection 2 within sixty days after the end of the term of the subletting and the sub-tenant has continued to occupy the rental unit, a valid assignment to the sub-tenant shall be deemed to have taken place on the date the sub-tenant first occupied the unit under the subletting agreement.

CHANGE OF LANDLORD

21.—(1) No sale, mortgage or other dealing with the landlord's interest in the residential complex depends for its validity on the acceptance of the transaction by the tenants of the residential complex.

Landlord's
right to sell,
mortgage, etc.

(2) A tenant may continue, without prejudice, to pay rent to his landlord until he has received written notice that another person has acquired the landlord's right to possession of the residential complex and is attempting to enforce any of the rights of the landlord under the tenancy agreement or this Act, including the right to collect rent.

Person to
whom rent
is payable

(3) Where a tenant is uncertain about who is entitled to be paid the rent, he may request the Commission to enquire into the matter and where the Commission is unable to ascertain the person entitled to the rent, the Commission may direct the tenant to pay his rent to the Commission until the person entitled to the rent is determined, at which time the rent shall be paid to that person.

Where
tenant
uncertain

22. Where there has been a change of landlord,

Consequences
of change of
landlord

- (a) the new landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period after the change of landlord, whether or not the breach began before the change of landlord;
- (b) the former landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period before the change of landlord;
- (c) the new landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach of obligation relates to the period after the change of landlord, whether or not the breach began before the change of landlord;
- (d) the former landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach of obligation relates to the period before the change of landlord; and

- (e) where the former landlord has started a proceeding under this Act before the change of landlord, and the benefits or obligations of the new landlord may be affected, the new landlord is entitled to join in or continue the proceeding.

PART III

BENEFITS AND OBLIGATIONS

SECURITY OF TENURE

Restriction on
termination
of tenancy

23.—(1) A tenancy may not be terminated except in accordance with this Act.

Restriction
on recovery
of possession

(2) A landlord shall not regain possession of a rental unit unless,

(a) a writ of possession has authorized the regaining of possession; or

(b) the tenant has vacated or abandoned the rental unit.

Automatic
renewal
of tenancy

24.—(1) Where a tenancy agreement specifies a date for the tenancy agreement to end, the landlord and tenant shall be deemed to have renewed the tenancy agreement on that date as a monthly tenancy with the same benefits and obligations as existed under the former tenancy agreement, subject to a rent increase that complies with section 59 (notice of rent increase).

Application
of subs. 1

(2) Subsection 1 applies where,

(a) the landlord and tenant have not entered into a new tenancy agreement; and

(b) the tenancy has not been terminated in accordance with this Act.

MUTUAL OBLIGATIONS

Change of
locks:
rental unit

25.—(1) A landlord or tenant shall not change the locks on any entrance to the rental unit without the agreement of the other party made at the time of the change.

residential
complex

(2) A landlord or tenant shall not change the locks on any entrance to the residential complex so as to unreasonably interfere with the other's access to the complex.

(3) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order, Remedies

- (a) requiring the person who breached the obligation to give access to the residential complex or rental unit;
- (b) requiring the person who breached the obligation to not breach the obligation again;
- (c) requiring the person who breached the obligation to compensate the party affected for loss suffered as a result of the breach.

26.—(1) A landlord shall not enter a rental unit unless he is given the right to do so by this section. Tenant's right to privacy

(2) A landlord has the right to enter a rental unit, and the tenant shall permit the landlord to enter, Landlord's right to enter

- (a) to perform the landlord's obligations under the tenancy agreement and this Act;
- (b) to inspect the rental unit where the tenant has requested his consent to an assignment or subletting;
- (c) to show the rental unit to prospective tenants after the tenant has given notice to terminate the tenancy, the landlord and tenant have agreed to terminate or there is an application to the Commission to terminate;
- (d) to show the rental unit to prospective purchasers of the residential complex; or
- (e) to inspect the rental unit at the time the tenant is required to vacate the unit to determine if the tenant has fulfilled his obligations under the tenancy agreement and this Act.

(3) A landlord who intends to exercise the right to enter given by subsection 2 shall first give written notice to the tenant at least twenty-four hours before the time of entry, specifying the hours during which the landlord intends to enter the rental unit and those hours must be between 9 a.m. and 9 p.m. Need for notice

Tenant may
specify
alternative
hours

(4) Unless the tenant objects to the hours set out in the landlord's notice and specifies alternative hours that are reasonable in the circumstances, the landlord may enter in accordance with the notice given under subsection 3.

Entry
without
notice

(5) A landlord has the right to enter the rental unit without giving the notice required by subsection 3 where,

- (a) an emergency exists, in which case the tenant shall permit the landlord to enter;
- (b) the tenant consents at the time of entry; or
- (c) the landlord has good reason to believe that the tenant has vacated or abandoned the rental unit.

Remedies

(6) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order,

- (a) requiring the person who breached the obligation to not breach the obligation again;
- (b) requiring the person who breached the obligation to compensate the affected party for loss suffered as a result of the breach.

Duty to
minimize
losses

27.—(1) Where a landlord or a tenant becomes liable to pay compensation as a result of a breach of the tenancy agreement or this Act, the person entitled to claim the compensation has a duty to take reasonable steps to minimize his losses.

Landlord's
duty where
tenant
abandons

(2) Where a tenant abandons a rental unit, the landlord shall endeavour, in minimizing his losses as required by subsection 1, to re-rent the rental unit as soon as is practicable and at a reasonable rent.

LANDLORD'S OBLIGATIONS

Landlord's
responsibility
to repair

28.—(1) A landlord is responsible for providing and maintaining,

- (a) the rental unit;
- (b) the residential complex; and
- (c) all services and facilities promised by the landlord whether or not included in a written tenancy agreement,

in a good state of repair and fit for habitation during the tenancy and for complying with health, safety and housing standards required by law.

(2) Any substantial reduction in the provision of services and facilities shall be deemed to be a breach of subsection 1. Reduction of services, etc.

(3) Subsection 1 applies regardless of whether any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into. Knowledge of non-repair immaterial

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the landlord's breach and requiring the landlord to pay any associated expenses;
- (d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach;
- (e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

(5) Where, based on the obligation imposed by subsection 1, a person claims compensation for personal injury, no compensation shall be awarded unless it is shown that the landlord negligently breached the obligation. Compensation for personal injury

29.—(1) A landlord shall not, until the date the tenant vacates or abandons the rental unit, withhold or cause to be withheld the reasonable supply of any vital service, such as heat or fuel or electricity, gas, water or other public utility, that it is his obligation to supply under the tenancy agreement, or deliberately interfere with the supply of a vital service whether or not it is his obligation to supply that service during the tenant's occupancy of the rental unit. Duty to not withhold vital services

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by subsection 1, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord;
- (e) terminating the tenancy on a date specified by the Commission, where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

Notice
required
where public
utility
to be
discontinued
R.S.O. 1970,
c. 390

(3) Where a corporation, including a municipal corporation, or a public utility commission, that supplies any public utility within the meaning of *The Public Utilities Act* has reason to believe that a building or mobile home park it supplies is a residential complex, the corporation or commission shall not stop the supply from entering the residential complex or any rental unit therein because of a failure to pay the rate or charge due to the corporation or commission unless the corporation or commission, not less than seven days before the day on which the supply is to be stopped, gives notice in writing to the Commission of its intention to do so.

Role of
Commission
in preventing
discon-
tinuance

(4) Where the Commission receives a notice under subsection 3, or where the Commission is otherwise notified that the supply of a public utility to a residential complex or any rental unit therein has been or is likely to be stopped, and if the Commission after enquiry into the circumstances is of the opinion that the landlord of the residential complex has breached or is likely to breach his obligation to furnish the supply of the public utility to the residential complex, the Commission, after first affording the landlord an opportunity to be heard, may make an order directing any or all of the tenants in the residential complex to pay to the Commission all or part of the rent that would otherwise be payable to the landlord.

Duty to not
interfere with
safety or
reasonable
enjoyment

30.—(1) A landlord shall not unreasonably interfere with,

- (a) the safety; or
- (b) the reasonable enjoyment for all usual purposes by a tenant or members of his household,

of the rental unit or residential complex.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

31.—(1) A landlord shall not seize the personal property of a tenant for any breach by the tenant of the tenancy agreement or this Act, including the obligation to pay rent. No seizure of tenant's property

(2) Subsection 1 does not apply to a seizure of property when the seizure is made by the sheriff in satisfaction of an order of a court or the Commission. Seizure by sheriff

(3) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) that the personal property be returned;
- (b) that the landlord compensate the tenant for any damage done to the property and for the wrongful seizure.

32.—(1) A landlord shall give notice to his tenants of, Notice of legal name of landlord, etc.

- (a) the legal name of the landlord, the landlord's address for the giving of notices or documents and, where there is no agent of the landlord having authority in respect of the residential complex, the landlord's telephone number; and
- (b) the name, address and telephone number of any agent of the landlord having authority in respect of the residential complex.

(2) Where a landlord rents more than one rental unit in the same residential complex and retains possession of part of the complex for the common use of all tenants, he Posting of notice

shall fulfil the obligation imposed by subsection 1 by posting up and maintaining posted in a conspicuous place the information required by subsection 1.

Proceedings
against
landlord

(3) Any proceeding taken by a tenant may be commenced against the landlord in the name provided under clause *a* of subsection 1.

Remedy

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order requiring the landlord to comply with his obligation.

Rent
schedule

33.—(1) Every landlord shall maintain and keep available for examination at reasonable hours a schedule containing a brief description of each rental unit located in the residential complex of which he is landlord, showing opposite thereto the current rent being charged for the unit, and the immediately preceding rent that was charged, for the unit and, in addition, where there is more than one unit in the complex, shall post up conspicuously and maintain posted a notice advising tenants, former tenants, prospective tenants and other persons having an interest in the matter, of the existence of the schedule and when and where it may be examined.

Government-
owned
subsidized
public
housing

(2) Subsection 1 does not apply to a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality including a regional, district or metropolitan municipality, or any agency thereof.

Other
subsidized
public
housing

(3) Where a rental unit in a residential complex, other than a complex referred to in subsection 2, is subsidized public housing, the rent charged that is shown on the schedule shall be the total amount of rent being received by the landlord for that unit.

Remedy

(4) Where, on the application of any person having an interest in the matter, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order requiring the landlord to comply with his obligation.

Compliance
with
additional
obligations

34.—(1) A landlord shall comply with additional obligations under the tenancy agreement.

Remedies

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation ;
- (b) requiring the landlord to not breach his obligation again ;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach ;
- (d) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the landlord's breach and requiring the landlord to pay any associated expenses.

35.—(1) A landlord shall not restrict reasonable access to the residential complex by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, or any office in a municipal government or a school board, for the purpose of canvassing or distributing election material. Entry by political canvassers

(2) Where, on the application of a tenant or any other person affected, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order requiring the landlord to comply with his obligation. Remedy

TENANT'S OBLIGATIONS

36.—(1) A tenant shall pay to the landlord the rent lawfully required by the tenancy agreement on the dates specified by the tenancy agreement. Obligation to pay rent

(2) Where, on the application of a landlord, the Commission determines that a tenant has failed to pay rent in accordance with subsection 1, the Commission may make an order, Remedies

- (a) requiring the tenant to pay the rent owing ;
- (b) requiring the tenant to pay his rent on time in the future ;
- (c) terminating the tenancy and evicting the tenant on a date not earlier than,
 - (i) where the landlord holds a rent deposit, the last day for which rent has been paid or the fourteenth day following the application to the Commission, whichever is later, or
 - (ii) where the landlord does not hold a rent deposit, the fourteenth day following the application to the Commission.

Where
payment
prevents
termination

(3) Where, before an order is made, the tenant pays the rent due to the landlord or the Commission, the Commission shall not make an order terminating the tenancy for failure to comply with subsection 1 but may make an order requiring the tenant to pay his rent on time in the future.

Tenant
not to
withhold
rent

(4) A tenant shall not withhold the payment of rent except under section 8 or 17 (where landlord fails to give copy of tenancy agreement to tenant) or unless the Commission directs the tenant to pay all or part of his rent to the Commission.

Effect
of rent
payment to
Commission

(5) A tenant who pays all or part of his rent to the Commission where he has been directed to do so by the Commission shall be deemed not to be in breach of the obligation imposed by subsection 1, to the extent of the amount of rent so paid.

Responsibility
for repair
of damage

37.—(1) A tenant is responsible for the repair of damage to the rental unit and the residential complex, including all services and facilities provided by the landlord, caused by the tenant's wilful or negligent conduct or that of persons who are permitted on the premises by him.

Remedies

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the tenant to comply with his obligation;
- (b) prohibiting the tenant from doing any further damage;
- (c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;
- (d) authorizing any action by the landlord that has been taken or is to be taken to remedy the effects of the tenant's breach and requiring the tenant to pay any associated expenses;
- (e) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Duty to not
interfere with
safety or
reasonable
enjoyment

38.—(1) A tenant shall not unreasonably interfere with,

- (a) the safety; or
- (b) the reasonable enjoyment for all usual purposes by the landlord or any other tenant or members of their households,

of the residential complex or any other rental unit.

(2) Unreasonable interference by a person permitted by a tenant to enter the residential complex or his rental unit shall be deemed to be unreasonable interference by the tenant. Deemed interference by tenant

(3) Where a tenant informs his landlord that he has been affected by a breach of the obligation imposed by subsection 1, the landlord shall investigate the complaint and take appropriate action. Landlord to investigate complaints

(4) Where, on the application of a complaining tenant who is not satisfied with the landlord's response or action, the Commission determines that there has been a breach of the obligation imposed by subsection 1, the Commission may make an order, Remedies: on application of tenant

- (a) requiring the tenant who breached the obligation to compensate the persons affected for loss suffered as a result of the breach;
- (b) terminating the tenancy and evicting the tenant who breached the obligation on a date specified by the Commission if the continuation of the tenancy would be unfair to other occupants of the residential complex.

(5) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by subsection 1, the Commission may make an order, on application of landlord

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;
- (c) requiring the tenant to compensate the persons affected for loss suffered as a result of the breach;
- (d) terminating the tenancy and evicting the tenant on a date specified by the Commission.

39. Where, on the application of a landlord, the Commission determines that, Prompt eviction for serious breach

- (a) a tenant has breached the obligation not to unreasonably interfere imposed by section 38, and the continuation of the tenancy would be unfair to the other occupants of the residential complex;

- (b) a tenant has caused extraordinary damage to the rental unit, the residential complex or services and facilities provided by the landlord; or
- (c) a tenant was permitted to occupy the rental unit as a result of a promise to pay the first instalment of rent or the rent deposit within a specified time and,
 - (i) failed to do so, or
 - (ii) gave the landlord a cheque or other negotiable instrument for the first instalment of rent or the rent deposit which proved to be worthless,

the Commission may make an order terminating the tenancy and evicting the tenant on the earliest possible date.

Compliance
with
additional
obligations

40.—(1) A tenant shall comply with rules or obligations under the tenancy agreement, except those that are unenforceable under section 6 (rules to be reasonable).

Responsibility
for cleanliness

(2) A tenant shall maintain the rental unit and all services and facilities provided by the landlord of which the tenant has exclusive use in a state of ordinary cleanliness.

Overcrowding

(3) A tenant shall not permit a number of persons to occupy the rental unit on a continuing basis that results in the contravention of health, safety or housing standards required by law.

Notice of
defect

(4) A tenant shall give prompt notice to the landlord of any substantial defect in the rental unit or in the services and facilities provided by the landlord of which the tenant has exclusive use that comes to the tenant's attention.

Remedies

(5) Where, on the application of a landlord, the Commission determines that a tenant has breached an obligation imposed by this section, the Commission may make an order,

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;
- (c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;
- (d) authorizing any action by the landlord that has been taken or is to be taken to remedy the effect of the tenant's breach and requiring the tenant to pay any associated expenses.

41.—(1) A tenant shall not do or permit the doing of anything illegal in the rental unit or in the residential complex. Illegal activities

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission. Remedy

42.—(1) A tenant of subsidized public housing shall not, Obligations of public housing tenants

- (a) wilfully make a false statement in his application for accommodation;
- (b) at any time knowingly and significantly misrepresent his income or assets or that of other persons occupying the rental unit;
- (c) fail to provide the landlord, within a reasonable time after being required to do so by the tenancy agreement, with a statement of income; or
- (d) permit a person who does not meet the qualifications required for occupancy to occupy the rental unit on a continuing basis despite the express prohibition of the landlord.

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission. Remedy

ENFORCEMENT OF COMMISSION ORDERS

43. Where, on the application of a tenant, the Commission determines that the landlord has failed to obey an order of the Commission or a court concerning the landlord's obligations under the tenancy agreement or this Act, the Commission may make an order directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord. Where landlord fails to comply with order

44. Where, on the application of a landlord, the Commission determines that a tenant has failed to obey an order of the Commission or a court concerning the occupancy of a rental unit or the tenant's obligations under the tenancy agreement or this Act, the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission. Where tenant fails to comply with order

PART IV

TERMINATION WITHOUT FAULT

Agreement
to
terminate

45. Where a landlord and tenant agree in writing after a tenancy agreement has been made to terminate the tenancy on a specified date, the tenancy is terminated on the date specified.

Termination
by tenant:
fixed
term

46. Where a tenancy agreement specifies a date for the tenancy agreement to end, the tenant may terminate the tenancy on the date specified in the agreement by giving the landlord a notice of termination not later than thirty days before the termination date.

Termination
by tenant:
periodic
tenancy

47. Where a tenancy agreement does not specify a date for the tenancy to end, the tenant may terminate the tenancy on the last day of a period of the tenancy by giving the landlord a notice of termination,

- (a) in the case of a weekly tenancy, at least fourteen days before the termination date; or
- (b) in the case of a tenancy other than a weekly tenancy, at least thirty days before the termination date.

Contents
of tenant's
notice of
termination

48. A notice of termination by a tenant shall be in writing and shall,

- (a) be signed by the tenant or his agent;
- (b) identify the rental unit to which the notice applies; and
- (c) state the date on which the tenancy is to terminate.

Enforcement
of agreement
or notice to
terminate

49. Where, on the application of a landlord, the Commission determines that there is an agreement to terminate under section 45, or that the tenant has given a written notice of termination, the Commission may make an order,

- (a) evicting the tenant on the date specified in the agreement or notice, or on the earliest reasonable date thereafter;
- (b) requiring the tenant to compensate the landlord for the use and occupation of the rental unit, calculated for each day the tenant remains in occupation following the termination of the tenancy.

Shared
accommo-
dation

50. Where, on the application of a landlord or a tenant, the Commission determines that,

- (a) the landlord and the tenant share a bathroom or kitchen facility; and

- (b) personal differences that have arisen between the landlord and the tenant make the continuation of the tenancy unfair to either of them,

the Commission may make an order terminating the tenancy, and where the landlord is applicant, evicting the tenant, on a date specified by the Commission.

51.—(1) Where, on the application of a landlord, the Commission determines that the landlord in good faith, Termination by landlord for own use or where sale

- (a) requires possession of a rental unit for the purpose of residence by himself, his spouse, his child or parent, or a child or parent of his spouse; or

- (b) has entered into an agreement of sale of a residential complex containing no more than three rental units and is required by the agreement of sale to deliver vacant possession of the residential complex to the purchaser,

the Commission may make an order terminating the tenancy and evicting the tenant,

- (c) on the last day of a rent payment period not earlier than sixty days after the date the application is made; or

- (d) at the end of the tenancy agreement,

whichever is later.

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *a* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit. Where order may be refused

(3) Where a tenant receives a copy of an application under subsection 1, he may, at any time before the date specified for termination in the application, terminate the tenancy by, Early termination by tenant

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and

- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

Overpayment
by tenant

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission may make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit.

Termination
for
demolition,
change of
use or
major repairs

52.—(1) Where, on the application of a landlord, the Commission determines that the landlord requires possession of a rental unit for the purposes of,

- (a) demolition;
- (b) changing the use of the rental unit to a use other than that of rented residential premises; or
- (c) making repairs or renovations so extensive as to require a building permit and vacant possession of the rental unit,

and that the landlord has obtained all necessary permits or other authority that may be required, the Commission may make an order terminating the tenancy and evicting the tenant,

- (d) on the last day of a rent payment period not earlier than 120 days after the application is made; or
- (e) at the end of the tenancy agreement,

whichever is later.

Where
order
may be
refused

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *b* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit.

Early
termination
by tenant

(3) Where a tenant receives a copy of an application under subsection 1, he may at any time before the date specified for termination in the application, terminate the tenancy by,

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission may make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit. Overpayment by tenant

(5) Where a tenant has received a copy of an application for termination under clause c of subsection 1 and has indicated in writing to the landlord, before vacating the rental unit, that he wishes to have a right of first refusal to rent the unit as a tenant when the repairs or renovations are completed, the tenant shall have the right of first refusal to rent the unit, at the lowest rent that would be charged to any other tenant for the same unit, provided that the tenant informs the landlord by mail of any change of address. Tenant's right of first refusal

(6) Where, on the application of a former tenant, the Commission determines that the landlord has deprived the tenant of the benefit of subsection 5, the Commission may make an order requiring the landlord to compensate the tenant for the loss of the benefit. Remedy where right of first refusal denied

53. Where, on the application of a former tenant, the Commission determines that the tenant vacated the rental unit as a result of an application to terminate under section 51 or 52 and that the landlord did not in good faith require the rental unit for the purpose specified in the landlord's application to terminate, the Commission may make an order, Remedy for improper termination

- (a) requiring the landlord to pay the tenant's reasonable moving expenses to his new accommodation, to a maximum of \$300; and
- (b) requiring the landlord to compensate the tenant for any additional reasonable expenses incurred by the tenant, including, for a period of up to twelve months, any increased rent that the tenant was obliged to pay as a result of the improper termination.

54. Where, on the application of a landlord, the Commission determines that, Tenants of public housing, employers or condominiums

- (a) a tenant of subsidized public housing has ceased to meet the qualifications required for occupancy of the rental unit;
- (b) a tenant was an employee of an employer who provided the tenant with a rental unit during his

employment and his employment has terminated;
or

- (c) the tenancy arose because of or in connection with an agreement of purchase and sale, entered into in good faith, of a proposed unit within the meaning of *The Condominium Act* and the agreement of purchase and sale has been terminated,

R.S.O. 1970,
c. 77

the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission.

Order of
government
authority

55. Where, on the application of a landlord or a federal, provincial or municipal authority, the Commission determines that a rental unit must be vacated in order to comply with an order by a federal, provincial or municipal authority, the Commission may make an order terminating the tenancy and evicting the tenant on a date which is reasonable in all the circumstances.

Destruction
of rental
unit, etc.

56.—(1) Where a tenancy agreement has become impossible to perform because of the destruction of the rental unit or residential complex by fire, flood or other occurrence, or where the tenancy agreement has been otherwise frustrated, the tenancy shall be deemed to have been terminated on the date performance became impossible or the tenancy agreement was otherwise frustrated.

Application
of R.S.O. 1970,
c. 185

(2) *The Frustrated Contracts Act* applies to a tenancy that has been terminated under subsection 1.

Abandonment
or surrender

57.—(1) Where a tenant abandons or surrenders a rental unit, the tenancy agreement is terminated on the date the rental unit was abandoned or surrendered, but in the case of abandonment the tenant remains liable, subject to section 27 (landlord's duty to minimize losses), to compensate the landlord for loss of future rent that would have been payable under the tenancy agreement.

Compensation
for loss of
future rent

(2) Where, on the application of a landlord, the Commission determines that a tenant has abandoned a rental unit, the Commission may make an order requiring the tenant to pay to the landlord the compensation for which the tenant is liable by reason of subsection 1.

Termination
of caretaker's
tenancy

58.—(1) Despite any other provision of this Act, where a landlord has entered into a tenancy agreement in respect of a caretaker's unit, unless otherwise agreed, the tenancy of the tenant is terminated on the day on which his employment is terminated and the tenant shall vacate the caretaker's unit not later than one week after his employment is terminated.

(2) A landlord shall not charge or receive any rent or compensation from the tenant in respect of the period of one week mentioned in subsection 1. No rent or compensation

(3) Where, on the application of a landlord, the Commission determines that a tenant has failed to vacate the premises as required by subsection 1, the Commission may make an order evicting the tenant on the earliest reasonable date. Remedy against caretaker who overholds

PART V

NOTICE OF RENT INCREASES

59.—(1) A landlord shall not increase the rent for a rental unit unless he gives the tenant a notice in the prescribed form setting out his intention to increase the rent and the amount of the increase, expressed both in dollars and as a percentage of the current rent, intended to be made not less than ninety days before the end of, Notice of rent increase

(a) the period of the tenancy; or

(b) the term of a tenancy for a fixed period.

(2) An increase in rent by the landlord where the landlord has not given the notice required by subsection 1 is void. Increase void where no notice

(3) Subsections 1 and 2 do not apply to a rent increase in subsidized public housing. Subsidized public housing

(4) Subsections 1 and 2 do not apply to a rent increase for a rental unit where the rent increase is intended to take effect when a new tenant first occupies the rental unit under a new tenancy agreement. Notice unnecessary for new tenant

(5) Where a tenancy agreement for a rental unit that is not subject to rent review under Part XI provides that the tenant shall pay all, part of, or any increase in, Taxes and utility charges where unit not subject to rent review

(a) the taxes attributable to the rental unit; or

(b) the utility charges attributable to the rental unit,

and the taxes or utility charges are increased, the notice required by subsection 1 need not be given and the increase shall be deemed not an increase under this Act.

(6) Unless a tenancy agreement specifically provides otherwise, a promise by a tenant to pay taxes shall be deemed not to include an obligation to pay taxes assessed for local improvements. Taxes deemed not to include local improvement charges

Where tenant
fails to give
notice of
termination

60.—(1) Where a tenant who has been given a notice of an intended rent increase under section 59 fails to give the landlord proper notice of termination, he shall be deemed to have accepted,

- (a) where the amount of the rent increase is not subject to rent review under Part XI,
 - (i) the amount of the rent increase specified in the notice of the landlord, or
 - (ii) such other rent increase as may be agreed upon in writing between the landlord and the tenant; or
- (b) where the amount of the rent increase is subject to rent review under Part XI, the amount of rent increase that does not exceed the amount allowed under that Part.

Deemed
acceptance
not to
constitute
waiver of
tenant's
rights

(2) The deemed acceptance by a tenant of an increase in rent in the case mentioned in clause *b* of subsection 1 does not constitute a waiver of the tenant's right to take whatever proceedings are available to him under this Act for the review of rent increases.

PART VI

TENANT'S PERSONAL PROPERTY

Tenant may
remove fixtures

61.—(1) A tenant may, during the time he occupies the rental unit, remove any property belonging to him which is attached to the rental unit, provided that he repairs, or compensates the landlord for, any damage done to the rental unit that results from the installation or removal of the property.

Disputes

(2) On the application of a landlord or a tenant, the Commission may determine whether a tenant is entitled to remove property under subsection 1 and may make an order,

- (a) permitting or prohibiting the removal of property;
- (b) requiring the tenant to repair, or compensate the landlord for, any damage done to the rental unit.

Abandoned
personal
property

62.—(1) Unless a landlord and tenant have made a specific agreement providing for the storage of personal property,

where a tenant leaves personal property in a rental unit or residential complex that he has vacated or abandoned, the landlord may remove the personal property and, on removal, shall store and dispose of the personal property in accordance with this section.

(2) Where a landlord has good reason to believe that an item of personal property removed under subsection 1, Worthless, etc. property

(a) would be unsanitary or unsafe to store; or

(b) is worthless,

the landlord may dispose of the item.

(3) Where a landlord removes personal property other than property described in subsection 2, he shall, at the earliest reasonable opportunity, give the Commission an inventory in the prescribed form of the property. Landlord to give inventory

(4) Where, after receiving the inventory, the Commission determines that an item of personal property in the inventory could not be sold for an amount greater than the reasonable cost of removing, storing and selling it, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Property of little value

(5) Property that has not been disposed of or sold under subsection 2 or 4 shall, subject to the direction of the Commission, be stored in a safe place and manner for a period of not less than sixty days. Remaining property to be stored

(6) Where the tenant or owner of an item of personal property stored by the landlord pays the landlord the cost of removing and storing the item, the landlord shall give the item to the tenant or owner and notify the Commission. Where property to be returned

(7) Where no person has taken possession of an item of personal property stored under subsection 5 during the sixty days referred to in that subsection, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Sale of unclaimed property

(8) Where a landlord sells an item of personal property under subsection 4 or 7, he may, subject to the terms and conditions set by the Commission under those sections, Proceeds of sale

(a) retain that part of the proceeds of the sale necessary to reimburse him for the reasonable costs of removing, storing and selling the property; and

- (b) retain that part of the proceeds of the sale necessary to satisfy any order for compensation made in his favour by the Commission or a court, where the order was made regarding the tenancy agreement or this Act,

and shall pay the balance to the Commission, who shall hold the balance for one year for the tenant who left the personal property in the rental unit or residential complex.

Report on
sale

(9) Where a landlord sells an item of personal property under subsection 4 or 7, he shall give to the Commission a written report in the prescribed form regarding the sale and the distribution of the proceeds of the sale.

Unclaimed
proceeds
forfeited to
Crown

(10) Where the Commission does not receive a claim in respect of the balance within the one-year period referred to in subsection 8, the amount not claimed shall be forfeited to the Crown.

Purchaser in
good faith
acquires good
title

(11) A purchaser in good faith of an item of personal property sold in accordance with subsection 4 or 7 shall be deemed to have acquired good title to the property, free and clear of any other interest.

Substantial
compliance
protects
landlord

(12) Where a landlord substantially complies with this section, he is not liable to the tenant or any other person for loss suffered by the tenant or other person as a result of the storage, sale or other disposition by the landlord of the abandoned personal property.

Remedies for
wrongful
sale, etc.

(13) Where, on the application of a person claiming to be the owner of an item of personal property, the Commission determines that the landlord has wrongfully sold, disposed of or otherwise dealt with the item of personal property, the Commission may make an order,

- (a) requiring the landlord to compensate the owner for the wrongful sale, disposition or dealing; or
- (b) requiring the landlord to give the property to the owner.

PART VII

MOBILE HOMES

Tenant's right
to sell, etc.

63.—(1) A landlord shall not restrict in any way the right of a tenant to sell, lease, or otherwise part with the possession of a mobile home owned by the tenant.

(2) Where a person obtains possession of a mobile home owned by a tenant while it is situate in a mobile home park and also obtains an assignment or subletting under section 16 of the site that is the rental unit, that person shall be entitled to all the benefits of a tenant or sub-tenant in the mobile home park.

Where mobile home and site both transferred

(3) A landlord shall not receive any compensation for acting as the agent of the tenant in any negotiations to sell, lease or otherwise part with possession of a mobile home situate in a mobile home park, except under a written agency contract, entered into after the decision of the tenant to sell, lease or otherwise part with possession of the mobile home.

Landlord as agent for sale, etc.

(4) Where, on the application of a tenant or any other person affected, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order,

Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.

64.—(1) A landlord shall not make any charge in respect of,

Certain charges prohibited

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;
- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park; or
- (e) the granting of a tenancy in a mobile home park,

except a sum to compensate the landlord for his reasonable expenses arising out of the installation or removal of a mobile home.

Remedy	(2) Where, on the application of a landlord or a tenant, the Commission determines that money is payable to the landlord or to the tenant by reason of subsection 1, the Commission may make an order requiring the money to be paid.
Restraint of trade prohibited	65. —(1) Except as provided in this section, a landlord shall not restrict in any way the right of a tenant to purchase goods or services from the person of his choice.
Standards for equipment	(2) A landlord may set reasonable standards for mobile home equipment.
When tradesman may be prohibited from entry	(3) Where a tradesman has, <ul style="list-style-type: none"> (a) unduly disturbed the peace and quiet of the mobile home park; (b) failed to observe reasonable rules of conduct that have been established by the landlord; or (c) violated the traffic rules of the mobile home park, despite a request by the landlord to discontinue the conduct, the landlord may restrict or prohibit the entry of the tradesman into the mobile home park.
Remedies	(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, <ul style="list-style-type: none"> (a) requiring the landlord to comply with his obligation; (b) requiring the landlord to not breach his obligation again; (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.
Additional obligations of landlord	66. —(1) A landlord is responsible for, <ul style="list-style-type: none"> (a) providing or ensuring the availability of a means for the removal or disposal of garbage in the mobile home park at reasonable intervals; (b) maintaining mobile home park roads in good state of repair; (c) removing excess snow from mobile home park roads; (d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in good state of repair;

- (e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment intended for the common use of the tenants in good state of repair; and
- (f) the repair of damage to the tenant's property caused by the wilful or negligent conduct of the landlord.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the landlord's breach and requiring the landlord to pay any associated expenses;
- (d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach;
- (e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

PART VIII

RESIDENTIAL TENANCY COMMISSION

67. A commission to be known as the Residential Tenancy Commission is hereby established. Commission established

68. The Commission shall be composed of such number of Commissioners as the Lieutenant Governor in Council determines. Composition of Commission

69. The Commissioners shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each. Term of office

Removal
for
cause

70.—(1) A Commissioner may be removed from office during his term only for misbehaviour or for inability to perform his duties properly and only if,

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the Commissioner is given reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

Inquiry

(2) For the purpose of making an inquiry under subsection 1, the Lieutenant Governor in Council may appoint a judge of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has, for that purpose, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Order
for
removal

(3) An order removing a Commissioner from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session.

Commissioners
full time

71. Each Commissioner shall devote his full time and attention to the work of the Commission.

Remunera-
tion

72. Each Commissioner shall be paid such remuneration and be afforded such benefits as are fixed by the Lieutenant Governor in Council and shall in addition be reimbursed for his reasonable travelling or out-of-pocket expenses necessarily incurred by him in the discharge of his duties.

Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

73. *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the Commissioners.

Board of
Directors

74.—(1) The general supervision and direction over the conduct of the affairs of the Commission shall be vested in a Board of Directors, to be composed of such Commissioners as the Lieutenant Governor in Council appoints.

Quorum

(2) Three members of the Board of Directors constitute a quorum.

75.—(1) One of the members of the Board of Directors shall be designated by the Lieutenant Governor in Council as Chief Tenancy Commissioner, who shall be chairman of the Board and chief executive officer of the Commission. Chief
Tenancy
Commissioner

(2) Where the Chief Tenancy Commissioner is unable to carry out his duties because of absence or illness, the Minister may appoint another member of the Board of Directors to act as Chief Tenancy Commissioner until the Chief Tenancy Commissioner returns to duty, but an appointment under this section shall not be made for a period of longer than six weeks. Absence or
illness of Chief
Tenancy
Commissioner

76.—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, terms and conditions of employment, salary ranges and other benefits for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, terms and conditions, salary ranges and benefits so approved. Staff

(2) *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the employees of the Commission as though the Commission were a commission designated by the Lieutenant Governor in Council under section 27 of the first mentioned Act. Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

77. The Commission may engage persons other than those appointed under section 76 to provide professional, technical or other assistance to the Commission and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons. Professional,
technical and
other
assistance

78. The Commission shall,

Duties of
Commission

- (a) perform the duties assigned to it by or under this Act and shall administer this Act and the regulations;
- (b) periodically review this Act and the regulations and recommend from time to time amendments or revisions thereof;
- (c) advise and assist the public on all residential tenancy matters including referral where appropriate to social services and public housing agencies;

- (d) take an active role in ensuring that landlords and tenants are aware of the benefits and obligations established by this Act.

Policy guidelines, etc., available to public

79. All policy guidelines and procedural manuals issued by the Commission which may be used in making determinations under this Act shall be made available for examination by the public.

Immunity of Commission for acts done in good faith

80. No action or other proceeding for compensation or damages shall be instituted against the Commission, any Commissioner, or any member of the Commission staff, for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Exclusive jurisdiction of Commission

81.—(1) Subject to subsections 3 to 8, the Commission has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Act and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Commission.

Commission may determine application of Act, etc.

(2) The Commission may determine,

- (a) whether this Act applies to a particular living accommodation; and
- (b) the rental units, common areas, services and facilities included in a particular residential complex.

No order where amount claimed by party over \$1,000

(3) The Commission shall not make an order for the payment of money where the amount claimed by any party to the application is in excess of \$1,000, but nothing in this subsection prevents the Commission from arbitrating a dispute and enforcing a decision under section 82 or directing the payment of any rent to the Commission in respect of an amount in excess of \$1,000.

Court jurisdiction

(4) Where, under this Act, a person claims a sum of money in excess of \$1,000, he may institute proceedings therefor in any court of competent jurisdiction.

County or district court

(5) Where, under subsection 4, proceedings are instituted in a county or district court, the court may, where the sum of money claimed is within the monetary jurisdiction of the court in a contract action, hear and determine the matter.

(6) Despite the institution of proceedings in court for the recovery of money, unless the court stays proceedings before the Commission on the grounds that it would not be practicable or would be unfair to any party to continue the proceedings before the Commission, which stay the court is hereby empowered to make, the Commission may hear and determine, and may make an order respecting, all aspects of the matters in dispute that do not depend on the determination of the claim for money.

Commission
proceedings
not ordinarily
stayed

(7) The court shall not order a stay of proceedings before the Commission under subsection 6 without first affording the Commission an opportunity to be heard and to make representations to the court on the matter.

Commission
entitled to
be heard
before stay
ordered

(8) Where the court orders that proceedings before the Commission be stayed, the court may hear and determine all matters in dispute and may exercise all of the authority of the Commission in that regard and may make any order or decision that the Commission might have made.

Court
jurisdiction
where
Commission
proceedings
stayed

82.—(1) Where a dispute concerning a residential tenancy is not within the jurisdiction of the Commission, the Commission may, with written consent of all parties to the dispute, arbitrate the dispute and in that case the decision of the Commission is final and binding on all parties to the dispute.

Arbitration by
Commission

(2) The decision of the Commission under subsection 1 shall be deemed to be an order of the Commission for the purposes of enforcement.

Enforcement
of decision

(3) Where the Commission acts as arbitrator under subsection 1, *The Arbitrations Act* does not apply.

Non-applica-
tion of
R.S.O. 1970,
c. 25

83. The Minister may, by order, establish regions in Ontario for the purposes of this Act.

Minister may
establish
regions

84. An application to the Commission may only be made, and all proceedings before the Commission shall be held, in the region in which the residential complex in question is situate, unless the parties otherwise agree in writing or the Commission otherwise directs.

Proceedings
in region

85. All expenses incurred and expenditures made by the Commission in the conduct of its affairs shall, until the 31st day of March, 1979, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

Payment of
Commission's
expenses

Commission
may charge
fee for
copies of
documents,
etc.

86. The Commission may charge a fee in the prescribed amount for furnishing to any person, at his request, copies of forms, notices or documents, including policy guidelines and procedural manuals issued by the Commission.

Audit of
Commission's
accounts

87. The accounts of the Commission shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose, and the salary and remuneration of the auditor so appointed shall be paid by the Commission as part of its administrative expenses.

Annual
report

88.—(1) The Commission shall at the close of each year file with the Minister an annual report upon the affairs of the Commission.

Tabling of
report

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Further
reports

(3) The Commission shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require.

PART IX

PROCEDURE

GENERAL

Commission
to adopt
expeditious
procedures

89. The Commission shall adopt the most expeditious method of determining the questions arising in any proceeding that affords to all persons affected by the proceedings an adequate opportunity to know the issues and be heard on the matter.

Decision to
be on merits
and justice

90.—(1) Every decision of the Commission shall be upon the real merits and justice of the case.

Commission
to ascertain
substance of
transactions

(2) In determining the real merits and justice of the case, the Commission shall ascertain the real substance of all transactions relating to the residential complex and the good faith of the participants and in doing so may disregard the outward form of the transactions or the separate corporate existence of the participants.

91.—(1) The offices of the Commission shall operate at times convenient to the public, including, where appropriate, evenings and week-ends. Commission to operate at convenient times

(2) It is lawful for the Commission, Commissioners, employees of the Commission, any party to a proceeding before the Commission and their witnesses, counsel or agents to participate in a proceeding before the Commission on Sunday where to do so, but for this section, would be unlawful under section 4 of the *Lord's Day Act* (Canada). Proceedings may be held on Sunday

R.S.C. 1970,
c. L-13

MAKING OF APPLICATIONS AND GIVING OF NOTICES

92.—(1) A person may make an application to the Commission as a landlord or as a tenant, provided he was a landlord or a tenant at the time the conduct giving rise to the application occurred. Who may make application

(2) Where more than one person has a common interest in respect of an application to the Commission, the Commission may authorize one or more of those persons to represent all those persons and any order made by the Commission may be made applicable to all. Representative actions

93.—(1) An application to the Commission shall be made in the prescribed form and shall be signed by the person making the application or his agent. Form of application

(2) Where an application is brought against an occupant and the name of the occupant is not known to the person bringing the application, the name of the occupant may be shown in the application as "occupant" and any proceedings may be taken against, and all orders shall be binding on, the person occupying the rental unit as if the occupant had been correctly named. Where name of occupant not known

(3) Where an application is brought against a landlord and the name of the landlord is not known to the person bringing the application, the name of the landlord may be shown in the application as "landlord" and any proceedings may be taken against, and all orders shall be binding on, the landlord as if he had been correctly named. Where name of landlord not known

94. The Commission may, whether or not the time for making an application to, or filing a notice of appeal with, the Commission has expired and where it is of the opinion Extension of time for application or appeal

that it would not be unfair to do so, extend the time for the making of the application to, or the filing of the notice of appeal with, the Commission.

Landlord must give copy of application to tenant, etc.

95.—(1) Where a landlord makes an application to the Commission, the landlord shall, at the earliest reasonable opportunity, give a copy of the application to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Tenant must give copy of application to landlord, etc.

(2) Where a tenant makes an application to the Commission, the tenant shall, at the earliest reasonable opportunity, give a copy of the application to the landlord, and, where the application is made under section 20 (overholding sub-tenant) or 38 (interference with safety or reasonable enjoyment), to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Other applicant must give copy of application to landlord, etc.

(3) Where a person other than a landlord or a tenant makes an application to the Commission, the person making the application shall, at the earliest reasonable opportunity, give a copy of the application to the landlord and any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised on the application.

Commission may give written directions

(4) The Commission shall, on request, give written directions concerning the giving of copies of an application, and compliance with the directions of the Commission shall be deemed to be compliance with this section.

Method of giving notice, etc.

96.—(1) Where this Act permits or requires a notice or document to be given to a person, the notice or document is sufficiently given by,

- (a) handing it to the person or, where the person is a tenant, sub-tenant or occupant, to an apparently adult person in the rental unit;
- (b) leaving it at the place where mail is ordinarily delivered to the person; or
- (c) sending it by mail to the address where the person resides or carries on business.

(2) Where a notice or document is given by mail, it shall be deemed to have been given on the fifth day after mailing, excluding Saturdays and holidays. Where notice given by mail

(3) Despite the other provisions of this section, the Commission may, in writing, direct a notice or document to be given in any other manner. Commission may give written directions

(4) Despite the other provisions of this section, a notice or document shall be deemed to have been validly given where it is proven that the contents of the notice or document actually came to the attention of the person for whom the notice or document was intended. Actual notice is sufficient

97. The parties to an application are the person making the application, any person entitled to receive a copy of the application and any person added as a party by the Commission. Parties to application

98. Where, in any proceedings under this Act, the Commission is of the opinion that, Adding parties; amending applications

(a) a person who should have been included as a party has not been included as a party or that a party has been incorrectly named, the Commission shall, unless it would be unfair to do so, require that the person be substituted or added as a party to the proceedings, or be correctly named; or

(b) an amendment to the application is justified and fair, the Commission may direct the application be amended accordingly.

PROCEDURE OF COMMISSION

99.—(1) Where an application has been made to the Commission, other than an application under section 122 (whole building rent review), the Commission shall inquire into the matter and shall attempt, by whatever means it considers necessary, to assist the parties to the proceeding in settling the matter by agreement. Commission to mediate

(2) The Commission may refuse to accept any application or to continue any proceeding, where in its opinion, the matter is trivial, frivolous, vexatious or has not been initiated in good faith. Frivolous or vexatious applications, etc.

Withdrawing
application

(3) An applicant may withdraw an application at any time before an order is made, but where the application is made under section 122, the application may only be withdrawn with the consent of the Commission.

Decision
to hold
one
hearing

100.—(1) Where an application is made under section 122 or where the Commission is of the opinion that,

- (a) it is unlikely that the parties to a proceeding will be able to settle the matter by agreement; or
- (b) the urgency of having the matter resolved requires that a determination be made,

the Commission shall notify the parties and hold a hearing.

Hearing to
be before
one
Commissioner

(2) A hearing under subsection 1 shall be held before a Commissioner and the Commissioner may exercise any of the powers of the Commission and an order of the Commissioner shall be deemed to be the order of the Commission.

Commissioner
not disqualified
from
mediating,
etc.

(3) A Commissioner is not disqualified or otherwise prohibited from holding a hearing and determining a matter by reason only of the fact that,

- (a) he attempted to assist the parties to the proceeding in settling the matter by agreement; or
- (b) he took part in an inquiry or inspection related to the dispute.

Issues
may be
heard
together

101.—(1) Where several different applications have been made to the Commission, and the Commission is of the opinion that it would be appropriate to determine the issues raised by the applications together, the Commission may hear and determine the issues in dispute at a common hearing.

Issues
may
be heard
separately

(2) Where the Commission is of the opinion that it would be appropriate to deal with some of the issues raised by an application at separate hearings, the Commission may direct that some of the issues be dealt with separately and may set additional hearing dates for the determination of those issues.

Application of
1971, c. 47

102.—(1) *The Statutory Powers Procedure Act, 1971* applies to proceedings by the Commission.

(2) The giving to a party of a copy of an application to the Commission shall be deemed to be compliance with section 8 of *The Statutory Powers Procedure Act, 1971*. Deemed compliance

103. All parties to a proceeding under this Act are entitled to examine, and the Commission shall make available for examination, all material filed with the Commission relevant to the proceeding. Parties may examine material

104. At the hearing, the Commission shall fairly and impartially question the parties who are in attendance at the hearing and any witnesses, with a view to determining the truth concerning the matters in dispute. Commission to question parties, etc.

105. The Commission may, before or during a hearing, Commission may investigate, etc.

(a) conduct any inquiry or inspection it considers necessary; and

(b) question any person, by telephone or otherwise, concerning the dispute.

106. In making its determination, the Commission may consider any relevant information obtained by the Commission in addition to the evidence given at the hearing, provided that it first informs the parties of the additional information and gives them an opportunity to explain or refute it. Commission may consider all relevant information

107.—(1) After holding a hearing, and having regard to all the circumstances, where the Commission is satisfied that one or more orders that have been applied for is justified, it shall make that order or those orders. Making of order applied for

(2) After holding a hearing and having regard to all the circumstances, where the Commission is satisfied that another order that could have been applied for is justified, it may make that other order. Making of other orders

(3) The Commission may include in any order terms and conditions it considers proper in all the circumstances. Terms and conditions

MATTERS RELATED TO COMMISSION ORDERS

108.—(1) Where an application has been made by a landlord for an eviction order under section 36 (obligation Where unfairness will prevent eviction

to pay rent), 37 (responsibility for repair of damage), 38 (interference with safety or reasonable enjoyment) or 49 (enforcement of agreement or notice to terminate), the Commission shall refuse to make the eviction order where the Commission is satisfied, having regard to all the circumstances, that it would be unfair to evict the tenant.

Circumstances
considered
unfair

(2) Unless it is proven to be fair, it shall be considered unfair to evict the tenant where the Commission finds that,

- (a) the landlord is in breach of his obligations under the tenancy agreement or this Act;
- (b) a reason for the application is that the tenant has complained to the Commission or any other governmental authority of the landlord's violation of any statute or municipal by-law dealing with health, safety or housing standards;
- (c) a reason for the application being brought is that the tenant has attempted to secure or enforce his legal rights;
- (d) a reason for the application being brought is that the tenant is a member of an association, the primary purpose of which is to secure or enforce legal rights of tenants, or that the tenant is attempting to organize such an association; or
- (e) a reason for the application being brought is that the rental unit is occupied by children, provided that the occupation by the children does not constitute overcrowding and the residential complex is suitable for children.

Compensation
for
overholding

109.—(1) A landlord is entitled to compensation for the use and occupation of a rental unit by a tenant after his tenancy has been terminated.

Eviction
order to include
order for
compensation
for overholding

(2) Where the Commission makes an eviction order, it shall make an order requiring the tenant to compensate the landlord for the use and occupation of the rental unit calculated for each day the tenant remains in occupation following the termination of the tenancy.

Settlement
of order
for
compensation
for
overholding

(3) Where a landlord obtains an order under subsection 2 or section 49 requiring a tenant to compensate him for the use

and occupation of the rental unit, the landlord may, within thirty days of the date the tenant ceased to occupy the rental unit, file with the Commission a copy of the order and a statement in the prescribed form setting out the number of days that the tenant remained in occupation following the termination of the tenancy, and the Commission shall calculate the final amount due under the order and shall add a statement to the order setting out the final amount, which statement shall comprise a part of the order.

(4) The acceptance by the landlord of arrears of rent or compensation for use or occupation of the rental unit after a tenancy has been terminated does not operate as a waiver of the termination or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree.

Payment
by overholding
tenant does
not
reinstate
tenancy

(5) Where a tenant does not give up occupancy of the rental unit after his tenancy has been terminated and a person brings proceedings against the landlord to enforce a right to occupy the rental unit being occupied by the tenant, the tenant is liable to the landlord for any compensation that the landlord is required to pay as a result of the tenant's failure to give up occupancy, and the landlord may add the tenant as a third party in the proceedings.

Liability of
overholding
tenant

110.—(1) Where under section 29 (vital services) or 43 (failure of landlord to comply with Commission order) the Commission directs a tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord, the Commission may pay from the rent it receives such amount as the Commission considers necessary for the following purposes:

Use of
money where
rent paid to
Commission

1. To pay the tenant for any action authorized under clause *c* of subsection 4 of section 28 or clause *d* of subsection 2 of section 66.
2. To restore, or prevent the discontinuance of, the supply of a vital service.

(2) Where the rent received by the Commission exceeds the sum of,

Excess
paid to
landlord

- (a) any amount paid under subsection 1; and
- (b) the amount that in the opinion of the Commission is necessary to ensure compliance by the landlord with an order of the Commission or a court,

the Commission shall pay the excess to the landlord.

Periodic
review of
need to
hold rent

(3) Where the Commission is holding rent to ensure compliance by the landlord with an order of the Commission or a court, the Commission shall, on the request of the landlord, or in any event not less often than once a month, review the necessity of continuing to hold the rent.

Where tenant
may deduct
compensation
from rent

111.—(1) Where the Commission makes an order requiring a landlord to compensate a tenant, the Commission may make an order that the tenant recover the compensation by deducting a specified sum from his rent for a specified number of rent payment periods.

Where
compensation
to landlord may
be paid in
instalments

(2) Where the Commission makes an order requiring a tenant to compensate a landlord, the Commission may make an order permitting the tenant to pay the compensation by paying a specified sum together with his rent for a specified number of rent payment periods.

Lump sum
payments

(3) The Commission may, at any time, rescind an order made under subsection 1 or 2, and may order that any compensation still owing be paid in a lump sum.

Enforcement
of order for the
payment of
money

112.—(1) A certified copy of an order of the Commission for the payment of money may be filed with the Supreme Court or with a county or district court and, on being filed, the order has the same force and effect and all proceedings may be taken on it, as if it were a judgment of that court.

Variation
of order

(2) Where an order filed under subsection 1 is rescinded or varied, upon filing in accordance with subsection 1, the order or decision rescinding or varying the order previously made,

(a) if the order or decision rescinds the order previously made, the order previously made ceases to have effect for the purposes of subsection 1; or

(b) if the order or decision varies the order previously made, the order previously made as so varied may be enforced in a like manner as an order or decision filed under subsection 1.

When writ of
possession
may issue

113.—(1) An order evicting a tenant, sub-tenant or occupant may be filed with the county or district court and, on being filed, has the same force and effect and all proceedings

may be taken on it, as if it were an order of that court, and the clerk of the court shall issue a writ of possession.

(2) An employee of the Commission may be appointed as a sheriff's officer and may obtain the assistance of one or more police officers for the purpose of enforcing writs of possession.

Enforcement
of writ of
possession

APPEALS

114.—(1) Any party to an application who took part in the hearing may, within fifteen days of receiving the decision or order of a Commissioner, appeal the decision or order by filing a notice of appeal in the prescribed form with the Commission and giving a copy of the notice at the earliest reasonable opportunity,

Appeal from
order of
Commissioner

(a) where a tenant is appealing a decision or order resulting from an application under section 122 (whole building rent review), to the landlord;

(b) where a landlord is appealing a decision or order resulting from an application under section 122, to the tenant of each rental unit in respect of which the appeal is brought; and

(c) in all other cases, to all other parties to the application who took part in the hearing.

(2) Despite the fact that a person did not appear at the hearing, he may apply to a member of the Board of Directors for permission to appeal and the member of the Board of Directors may, in his discretion permit the person to appeal upon such terms and conditions as the Director considers just.

Permission
to appeal

(3) The parties to the appeal are the person appealing, any person entitled to receive a copy of the notice of appeal and any person added as a party by the Commission.

Parties to
appeal

(4) Where a notice of appeal is filed under subsection 1, the Commissioner who made the order or decision being appealed shall, where he has not already done so, prepare reasons for the decision or order and give a copy of the reasons to each party to the appeal.

Reasons to
be given by
Commissioner

(5) The findings of fact set out in the reasons for the decision or order being appealed may be taken to be true unless, within

Findings
of fact
considered
true unless
objection
made

seven days of the filing of the notice of appeal, or within seven days of receiving the reasons, whichever is later, a party to the appeal files a statement in the prescribed form with the Commission and gives a copy of the statement to all other parties to the proceeding setting out,

- (a) the findings of fact set out in the reasons with which he disagrees; and
- (b) any facts he intends to prove at the hearing of the appeal that were not set out in the reasons.

Limitation of
evidence on
appeal

(6) At the hearing of the appeal, the introduction of evidence shall, unless the appeal panel otherwise directs, be limited to proving facts,

- (a) with which a party to the appeal has disagreed in a statement filed under subsection 5; or
- (b) which a party to the appeal has stated, in a statement filed under subsection 5, he intends to prove.

Appeal panel
composed of
three Directors

(7) The appeal shall be heard before an appeal panel composed of three members of the Board of Directors, none of whom took part in the making of the decision or order being appealed.

Powers of
appeal panel

(8) After the hearing of the appeal, the appeal panel may,

- (a) affirm the decision or order of the Commissioner; or
- (b) make any decision or order that a Commissioner is authorized to make under this Act, and for such purposes the appeal panel may substitute its opinion for that of the Commissioner.

Appeal panel
may rehear
appeal

(9) The appeal panel may, within thirty days of making a decision or order, decide on its own motion to rehear an appeal where in its opinion there has been a serious error, and at such rehearing, the appeal panel may confirm, rescind, amend or replace any decision or order previously made.

Order of appeal
panel deemed
order of
Commission

(10) A decision or order of the appeal panel shall be deemed to be the decision or order of the Commission.

Appeal to
Divisional
Court

115.—(1) Any party to an appeal under section 114 may, on a question of law, appeal a decision or order of the Commission to the Supreme Court.

(2) An appeal under subsection 1 shall be by way of stated case and the Commission shall, after service of the notice of appeal in accordance with the rules of the Supreme Court, upon the request of the person appealing, state a case in writing to the Supreme Court setting out the material facts found by the Commission and the grounds on which the decision or order is questioned.

Appeal to be
by stated
case

(3) The Commission is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Commission
entitled to be
heard on
appeal

(4) Where a case is stated under subsection 2, the Supreme Court shall hear and determine the appeal and may,

Powers of
Divisional
Court

- (a) affirm, rescind, amend or replace the decision or order;
- (b) cause the case to be sent back to the Commission for amendment and deliver judgment after it has been amended; or
- (c) remit the matter to the Commission with the opinion of the Supreme Court,

and may make,

- (d) any other order in relation to the matter that it considers proper; and
- (e) any order, with respect to costs, that it considers proper.

116. Unless otherwise ordered by,

Certain orders
not stayed
pending
appeal

- (a) where an appeal is taken under section 114, a member of the Board of Directors; or
- (b) where an appeal is taken under section 115, a judge of the Supreme Court,

an appeal from an order made under any of the following provisions does not stay the order pending the hearing of the appeal:

- 1. Subsection 1 of section 17.
- 2. Subsection 2 of section 20.

3. Clause *a* of subsection 3 of section 25.
4. Clause *c* or *e* of subsection 4 of section 28.
5. Clause *a*, *d* or *e* of subsection 2 of section 29.
6. Subsection 4 of section 29.
7. Clause *a* or *d* of subsection 2 of section 30.
8. Clause *a* of subsection 3 of section 31.
9. Clause *a* or *c* of subsection 2 of section 36.
10. Clause *e* of subsection 2 of section 37.
11. Clause *b* of subsection 4 of section 38.
12. Clause *a* or *d* of subsection 5 of section 38.
13. Section 39.
14. Subsection 2 of section 41.
15. Subsection 2 of section 42.
16. Section 43 or 44.
17. Clause *a* of section 49.
18. Section 50.
19. Subsection 1 of section 51.
20. Subsection 1 of section 52.
21. Section 54.
22. Section 55.
23. Subsection 3 of section 58.
24. Clause *a* of subsection 2 of section 61.
25. Clause *b* of subsection 13 of section 62.
26. Clause *a* of subsection 4 of section 63.
27. Clause *c* or *e* of subsection 2 of section 66.

PART X
MISCELLANEOUS

117. The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing the percentage amount in respect of rent increases for the purposes of section 121;
- (b) prescribing, for the purposes of section 127, matters in respect of which the Commission may make findings;
- (c) exempting from Part XI rental units the monthly rental for which is \$500 or more;
- (d) prescribing the form of an agreement to a rent increase for the purposes of subsection 2 of section 130;
- (e) prescribing fees for the purposes of section 86;
- (f) designating a class or classes of accommodation to which this Act does not apply;
- (g) prescribing a standard form of tenancy agreement and the benefits and obligations that may be included therein;
- (h) prescribing the rate of interest to be paid on rent deposits;
- (i) prescribing the form of assignments and subletting agreements and consents thereto and prescribing the maximum fee a landlord may charge for granting a consent;
- (j) prescribing the form of notice of rent increase for the purposes of section 59;
- (k) prescribing the form of an inventory and of a written report for the purposes of section 62;
- (l) prescribing the form of an application to the Commission;
- (m) prescribing the form of a notice of appeal for the purposes of subsection 1 of section 114;
- (n) prescribing the form of a statement for the purposes of subsection 5 of section 114;

- (o) prescribing the form of a statement for the purposes of subsection 3 of section 109;
- (p) prescribing anything that by this Act may be prescribed.

Substantial
compliance
with forms, etc.,
sufficient

118. Substantial compliance with the requirements of this Act respecting the contents of forms, notices or documents is sufficient unless the Commission is of the opinion that it would result in unfairness to any person.

Offences

119.—(1) Any person who,

- (a) knowingly fails to obey an order of the Commission; or
- (b) knowingly furnishes false information in any application, report or statement to the Commission under this Act or in any proceedings before the Commission,

and every director or officer of a corporation who knowingly concurs in the failure to obey or the furnishing of false information is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.

Where
corporation
convicted

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000, and not as provided therein.

PART XI

RENT REVIEW

Only one
rent increase
per year

120. The rent charged for a rental unit shall not be increased more often than once in any twelve-month period.

Maximum
permitted
rent increase
without
application

121. Unless otherwise authorized under this Act, no landlord shall increase the rent charged for a rental unit by more than 6 per cent, or such other percentage as, after the 31st day of December, 1979, may be prescribed, of the last rent that was charged for an equivalent rental period.

Application
by landlord

122.—(1) Where a landlord desires to increase the rent charged for a rental unit by more than the percentage referred to in section 121, he may apply to the Commission for an order permitting him to do so, whether or not the rental unit is the subject of a tenancy agreement at the time of application.

(2) When the landlord applies to the Commission for an order under subsection 1, he shall, as part of the same application, apply for a determination of the rents that may be charged for all of the rental units in the residential complex in which the units are situate when such units are rented or re-rented during the twelve-month period following the effective date of the first rent increase applied for, whether or not those units are the subject of tenancy agreements at the time of application. Whole building review

(3) An application under this section shall state the reasons for the intended increases and shall be made not less than sixty days before the effective date of the first intended rent increase that exceeds the percentage referred to in section 121. Time for application

(4) Where an application is made under this section, the landlord shall, not later than fourteen days before the date of the hearing of the application, unless the Commission otherwise directs, file with the Commission all the material on which he intends to rely in support of his application. Filing of material

123.—(1) A tenant who desires to dispute any intended rent increase for his rental unit, other than a rent increase that results in a rent not exceeding the maximum approved by the Commission for his unit, may apply to the Commission for an order requiring the landlord to reduce the amount of the rent increase. Application by tenant

(2) An application under this section shall be made not less than sixty days before the effective date of the intended rent increase. Time for application

124. Where a rental unit that has not been rented during the previous twelve-month period then becomes rented, the rent charged shall form the basis for determining whether the percentage referred to in section 121 has been exceeded. Where vacant unit becomes rented

125.—(1) No tenant is liable to pay any rent increase in excess of that permitted to be charged under this Part. Tenant not liable to pay illegal rent increase

(2) Where, on the application of a tenant, the Commission determines that the tenant has paid an amount of rent that is in excess of that permitted by this Part, the Commission shall order that the landlord pay the excess to the tenant. Remedy

126. Where under section 122 a landlord applies to the Commission for a determination of the rents that may be charged for all rental units in a residential complex, the Commission may hear application under s. 122 although notice of rent increase not yet given

Commission is empowered to hear the application and to determine the rent that may be charged for each rental unit despite the fact the landlord may not have, in respect of any rental unit, given notice under section 59 (notice of rent increase), but nothing in this section relieves the landlord from compliance with section 59.

Commission
determination
of total
rent increase

127.—(1) Where an application is made by a landlord under section 122, the Commission shall determine the total rent increase for the residential complex that is justified by,

- (a) the findings of the Commission concerning operating costs, financing costs and capital expenditures that the landlord has experienced or will experience in respect of the residential complex;
- (b) the findings of the Commission concerning a financial loss that the landlord has experienced or will experience in respect of the residential complex;
- (c) the findings of the Commission concerning an improvement or deterioration in the standard of maintenance and repair of the residential complex or any rental unit located therein;
- (d) the findings of the Commission concerning matters prescribed by the regulations.

Limitation on
consideration
of financing
costs

(2) In reaching its findings concerning changes in financing costs under clause *a* of subsection 1, the Commission shall consider financing costs resulting from the landlord's purchase of the residential complex only to the extent necessary to prevent a financial loss by the landlord.

Relief of
hardship

(3) When the total rent increase for the residential complex has been determined under subsection 1, if the resulting gross revenue does not exceed the costs found under clause *a* of subsection 1 by at least 2 per cent, the Commission may, where it considers it necessary to relieve the landlord from hardship, allow the landlord the additional revenue required to raise the gross revenue to not more than 2 per cent above the costs found.

Apportionment
of total rent
increase

(4) In apportioning the total rent increase determined under subsections 1 and 3 amongst the rental units in the residential complex, the Commission may take into account the following matters:

1. The rent schedule proposed by the landlord in his application.

2. Variations in the rents being charged by the landlord for similar rental units within the residential complex.
3. Rents and variations in the rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.

(5) Where the Commission has determined and apportioned the total rent increase under this section, Order setting maximum rent chargeable for each unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for each rental unit that is under review and the date the rents may take effect; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Commission in setting the maximum rent for a rental unit.

128.—(1) Where an application is made by a tenant under section 123, in determining a rent increase for the rental unit, the Commission shall, except where there has been an application under section 122 (whole building rent review), consider only the following matters: Considerations where tenant applies

1. Variations in the rents being charged by the landlord for similar rental units within the residential complex.
2. Rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.
3. An improvement or deterioration shown to have occurred in the standard of maintenance and repair that affects the rental unit.

(2) Where the Commission has made a determination on the application, Order setting maximum rent chargeable for the unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for the rental unit under review; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Com-

mission setting the maximum rent for the rental unit.

Rent
chargeable
until order
takes effect

129. Where a notice of an intended rent increase has been given under section 59, a rent increase up to the lesser of,

(a) the intended rent increase specified in the notice; and

(b) the limit imposed by section 121,

may be charged and collected by the landlord until such time as the Commission's order setting the maximum rent that may be charged for the rental unit takes effect.

Exemptions

130.—(1) The following rental units are exempt from this Part:

(a) a rental unit situate in a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof;

(b) a rental unit situate in a building, no part of which was occupied as a rental unit before the 1st day of January, 1976;

(c) a rental unit that is a mobile home or mobile home site that was not in existence as a rental unit before the 1st day of January, 1976;

(d) a rental unit the monthly rental for which is \$500 or more, if the Lieutenant Governor in Council has, by regulation made after the 31st day of December, 1979, exempted such premises from the provisions of this Part.

Non-
application
of Part:

where
tenant
renting
subsidized
public
housing

(2) This Part does not apply to a rent increase,

(a) to a tenant in subsidized public housing who is occupying a rental unit other than a unit referred to in clause *a* of subsection 1, but this Part does apply to the unit itself; or

where
landlord
and tenant
agree and
Commission
approves

(b) where, in respect of a rental unit situate in a residential complex containing no more than six rental units, the landlord and tenant agree in the prescribed form to the rent increase and the Commission approves the rent agreement, but upon the

expiry of the rent agreement, if the tenant does not enter into another rent agreement under this subsection any further rent increase is once again subject to this Part and the rent chargeable shall be,

- (i) the maximum rent that could have been charged by the landlord without applying to the Commission under section 122 if no rent agreements had been made under this subsection, or
- (ii) the current maximum rent previously established by the Commission on an application made under section 122.

(3) A landlord shall not, as a condition to entering into a tenancy agreement, require a prospective tenant to enter into a rent agreement mentioned in clause *b* of subsection 2, and the Commission shall not approve a rent agreement where it determines that the landlord has breached this subsection. When rent agreement not to be approved

(4) Where a landlord, by reason of the existence of depressed economic conditions in a local municipality, designated by order of the Minister, reduces a tenant's rent, and thereafter, not sooner than twelve months after the reduction took effect, desires to increase the rent, the landlord may increase the rent to, Application of Part in economically depressed municipality

- (a) the maximum rent that could have been charged by the landlord for the rental unit at the date of the intended increase without applying to the Commission under section 122 had the rent not been decreased; or
- (b) the current maximum rent previously established by the Commission on an application made under section 122.

PART XII

REPEALING AND TRANSITIONAL

131.—(1) The title to *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: R.S.O. 1970, s. 236, title re-enacted

The Commercial Tenancies Act

(2) Clause *c* of section 1 of the said Act, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 13, section 1, is repealed. R.S.O. 1970, c. 236, s. 1 (c), repealed

R.S.O. 1970,
c. 236, s. 2,
re-enacted

(3) Section 2 of the said Act is repealed and the following substituted therefor.

Application
1979, c. . . .

2. This Act does not apply to tenancies and tenancy agreements to which *The Residential Tenancies Act, 1979*, applies.

Pt. IV
(ss. 81-116),
repealed

(4) Part IV of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, and 1975 (2nd Session) chapter 13, sections 2 to 4, subsection 1 of section 5 and sections 6 to 10, is repealed.

R.S.O. 1970,
c. 223,
s. 2,
amended

132.—(1) Section 2 of *The Innkeepers Act*, being chapter 223 of the Revised Statutes of Ontario, 1970, is amended by striking out “boarding-house keeper or lodging-house keeper”, “boarder or lodger” and “boarding house or lodging house” where those expressions occur.

s. 3,
amended

(2) Section 3 of the said Act is amended by striking out “boarding-house keeper, lodging-house keeper” and “boarding house, lodging house” where those expressions occur.

s. 7,
amended

(3) Section 7 of the said Act is amended by striking out “lodging-house keeper or boarding-house keeper” where that expression occurs.

1975,
(2nd Sess.),
c. 12,
s. 20 (2) (b) (i),
re-enacted

133. Subclause i of clause b of subsection 2 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as enacted by the Statutes of Ontario, 1977, chapter 3, section 11 and amended by 1978, chapter 53, section 1, is repealed and the following substituted therefor:

- (i) hearing and making orders in respect of applications filed on or before the 28th day of February, 1979, and appeals from such orders, relating to a rental period commencing on or before that date.

Application
of Part XI

134.—(1) Part XI applies only to applications made in respect of rent increases intended to take effect on and after the 1st day of March, 1979.

Repeal of
Part XI

(2) Part XI is repealed on the 31st day of December, 1980.

Saving

(3) Despite subsection 2,

- (a) where there has been an increase in rent for a rental unit to take effect after the 31st day of December, 1979, and before the 31st day of December, 1980, the landlord shall not charge and no order shall authorize any further increase in rent for the rental unit to take effect within twelve months after the said increase took effect and Part XI continues in

force for the purpose of implementation and enforcement of this clause; and

- (b) Part XI continues in force for the purpose of,
 - (i) hearing and making orders in respect of applications made on or before the 31st day of December, 1980, and appeals from such orders, relating to a rental period commencing on or before that date, and
 - (ii) enforcing orders made under Part XI.

135.—(1) Where, before the day the repeal of Part IV of *The Landlord and Tenant Act* takes effect, Transitional on repeal of R.S.O. 1970, c. 236, Part IV

- (a) circumstances arise that give grounds for making an application under Part IV of *The Landlord and Tenant Act*; or
- (b) an application is made under Part IV of *The Landlord and Tenant Act*,

then despite the repeal of Part IV by section 131 of this Act, Part IV of that Act continues in force for the purposes of and applies to,

- (c) making an application in the case mentioned in clause *a* and hearing and making orders in respect of that application or in respect of an application mentioned in clause *b*, and appeals from such orders; and
- (d) enforcing orders made under Part IV of that Act,

and Parts I to X of this Act do not apply to applications made or entitled to be made under Part IV of *The Landlord and Tenant Act* by reason of this section.

(2) This Act applies to tenancies under tenancy agreements entered into or renewed before and subsisting on the day this Act comes into force or entered into on or after that day. Application to existing tenancies

136. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

137. The short title of this Act is *The Residential Tenancies Act, 1979*. Short title

An Act to reform the Law
respecting Residential Tenancies

1st Reading

March 6th, 1979

2nd Reading

March 6th, 1979

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

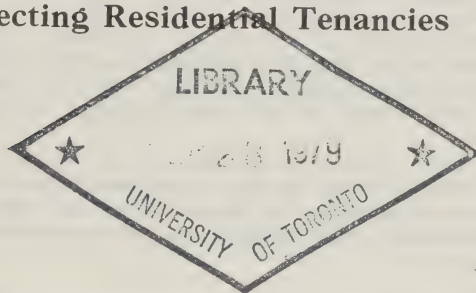
(Government Bill)

BILL 163

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to reform the Law
respecting Residential Tenancies**



THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

(Reprinted as amended by the General Government Committee)

TORONTO

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EXPLANATORY NOTES

The Bill restates and reforms the law as it applies to residential tenancies and provides for the continuation of the residential premises rent review program now governed by *The Residential Premises Rent Review Act, 1975*.

A new tribunal is established, under the name of the Residential Tenancy Commission, that will discharge the duties now performed by county court judges in respect of residential tenancy matters in general and as well the duties of Rent Review Officers and the Residential Premises Rent Review Board in respect of rent review matters.

It is intended that the new Commission will assume the rent review role on the 1st day of December, 1979 (*The Residential Premises Rent Review Act, 1975*, by section 20 of that Act, will be repealed on the 30th day of November, 1979) and will at the earliest practicable date take over the function of the county court judges in respect of landlord and tenant matters generally. To provide for this transfer of jurisdiction, relevant portions of the Act will be proclaimed in force at the appropriate times. Matters in process at the time the Commission assumes jurisdiction will be carried forward to their conclusion by the body then seised of the matter.

Part IV of *The Landlord and Tenant Act*, that governs residential tenancies is repealed. The balance of that Act will continue to apply to non-residential tenancy matters and the Act is renamed *The Commercial Tenancies Act*.

Roomers and boarders will be afforded the benefits and be subject to the obligations of other tenants of residential premises; *The Innkeepers Act* is amended accordingly so that those persons will no longer come under that Act. The principal effect is that roomers and boarders will enjoy a measure of security of tenure and will not be liable to arbitrary eviction, nor may their personal belongings be seized by the landlord for arrears of rent.

The provisions of the substantive law relating to residential tenancies are found in Parts I to VII of the Bill. An attempt is made to shed the archaic terminology and the sometimes irrational distinctions embodied in *The Landlord and Tenant Act* that have their roots in medieval land law, and to state in more comprehensible terms the basic rights and responsibilities, both of landlords and of tenants.

Among the principal features of those Parts of the Bill are the following:

1. Written tenancy agreements are to be in the standard form set out in the Schedule; those that are not, as well as oral tenancy agreements are deemed to be so (s. 5).
2. Additional benefits and obligations may, by agreement, be incorporated in a tenancy agreement, but only to the extent they do not conflict with the Act; house rules imposed by a landlord must be reasonable (s. 6).
3. Rent acceleration provisions may not be included in a tenancy agreement (s. 7).
4. Charges by a landlord in the nature of "key money" are prohibited (s. 10).

5. Express permission to breach an obligation does not prevent the enforcement of the obligation when another breach occurs (s. 12).
6. An assignment or a subletting by a tenant requires the landlord's consent (which may not be unreasonably withheld); no charge may be made for granting the consent except to cover the landlord's reasonable expenses, in any event not to exceed \$50. The Commission may dispense with the necessity for the consent where it is shown the landlord has unreasonably withheld it (s. 16).
7. Procedures are set out providing for the manner in which a landlord may deal with personal property left by a tenant when the tenant abandons or vacates the rental unit (s. 63).
8. Wherever an obligation is imposed on a landlord or on a tenant, appropriate remedies are, on application to the Commission, available to the party aggrieved when a breach of the obligation occurs.
9. Failure to comply with an order of the Commission is an offence punishable on conviction by a fine of up to \$2,000, or, in the case of a corporation, \$25,000 (s. 123).
10. Alternatively, failure on the part of a tenant to comply with an order of the Commission may result in the tenant being evicted; on the part of a landlord, it may result in a further order of the Commission directing the tenant's rent being paid to the Commission (ss. 43, 44).
11. Every landlord is to maintain, and have available for inspection, a rent schedule containing a brief description of each rental unit in his building and showing the current rent being charged, the immediately preceding rent that was charged and the date of the last rent increase. Except where the building is exempt from rent review, a landlord shall, at least once in every twelve-month period, file with the Commission a copy of the rent schedule and the Commission is to keep the schedule in the region in which the building is situate where it is to be available for examination by any person wishing to do so. The provisions respecting rent schedules do not however apply in the case of government-owned housing (s. 33).
12. Public utilities are required to give seven days notice if they intend to cut off service to a residential complex; on receipt of such notice, the Commission may require tenants of the complex to pay their rent to the Commission, to be used by the Commission to restore or prevent the discontinuance of the supply of the utility (ss. 29, 113).
13. A tenant is subject to eviction where his conduct unreasonably interferes with the safety or enjoyment of their premises by the landlord or other tenants; where a landlord fails to take appropriate action in respect of such a tenant, any other tenant affected by the disruptive tenant's conduct may initiate proceedings (s. 38).
14. A landlord may regain possession of a rental unit on the grounds he requires it for his own residence (s. 51) or for demolition or extensive repairs (s. 52), but if it is subsequently established before the Commission that the landlord did not, in good faith, require possession of the unit for any of those purposes, the Commission may order the landlord to compensate the tenant affected for

moving expenses and any increase in rent the tenant incurred as a result (s. 53).

15. The tenant's right to privacy is confirmed, and the circumstances under which a landlord is entitled to enter the tenant's rental unit are made clear (s. 26).
16. On the application of a landlord, prompt eviction of a tenant may be ordered by the Commission where it is established the tenant has seriously breached an obligation, such as unreasonable interference with the safety of others or causing extraordinary damage (s. 39).
17. For the guidance of landlords, circumstances that establish when a tenant has vacated or abandoned a rental unit are set out (s. 1 (2, 3)).
18. Where a tenant is uncertain as to who is entitled to be paid the rent for his unit, he may apply to the Commission to ascertain the matter (s. 21).
19. It is made clear that a landlord is responsible for providing and maintaining in a good state of repair not only the rental unit and the residential complex in which it is situate but also services and facilities promised by him; conversely the tenant is obligated to maintain the unit and the services and facilities of which he has exclusive use in a state of ordinary cleanliness and is responsible for any damage to them caused by his wilful or negligent conduct (ss. 28, 37, 40).

Part VIII of the Bill establishes the Residential Tenancy Commission. Its members are appointed by the Lieutenant Governor in Council for an initial term not exceeding five years and may be reappointed for further successive terms of five years each. Such number of Commissioners as the Lieutenant Governor in Council designates will be appointed as Appeal Commissioners. A Commissioner may only be removed from office during his term for misbehaviour or inability to properly perform his duties. The administration of the affairs of the Commission is vested in a Board of Commissioners composed of a number of Commissioners designated by the Lieutenant Governor in Council. One of the members of the Board of Commissioners will be designated Chief Tenancy Commissioner, and will be the chairman and chief administrative officer of the Commission.

In addition to its adjudicative functions, the Commission will advise and assist the public on all residential tenancy matters and generally ensure that landlords and tenants are aware of their respective benefits and obligations (s. 81).

The Commission has exclusive jurisdiction to hear and determine all residential landlord and tenant matters, except those in which a monetary claim in excess of \$3,000 is in issue; those claims may be brought before a court of competent jurisdiction, and such courts are empowered in that case to stay any collateral proceedings before the Commission and to deal with those matters as though the court were the Commission (s. 84).

Matters otherwise outside the jurisdiction of the Commission may nevertheless, on the consent of the parties affected, be arbitrated by the Commission, in which case the decision of the Commission is binding on the parties and may be enforced as though it were an order of the Commission (s. 85).

Regions in Ontario will be established by the Minister and all applications to and proceedings before the Commission will be held in the region in which the residential complex in question is situate (ss. 86, 87).

Part IX of the Bill governs procedures before the Commission: these are designed to be expeditious and convenient (the Commission may operate evenings, holidays and week-ends), and will not require the payment of fees (ss. 92-94).

On receipt of an application, the Commission will attempt to settle the matter by mediation and agreement by the parties (except where the application is for whole building rent review under Part XI). Failing agreement, a hearing will be held before a single Commissioner (ss. 102, 103).

An appeal from the order of a single Commissioner may be taken and will be heard by an appeal panel composed of two Appeal Commissioners and one member of the Board of Commissioners (s. 117).

A further appeal, on a question of law, may be taken to the Supreme Court (s. 118).

On a hearing the Commission will itself question the parties and their witnesses; the Commission may also conduct inquiries or inspections it considers necessary, and, in making its determination, may consider any relevant information it has obtained, in addition to the evidence given at the hearing (ss. 107-109).

Parties to a proceeding are entitled to examine all material filed with the Commission relevant to the proceeding (s. 106).

Part X of the Bill contains the regulation-making authority of the Lieutenant Governor in Council and specifies offences under the Act.

Part XI of the Bill governs rent review. The maximum increase permitted without application to the Commission is 6 per cent.

The Bill provides for one rent review per building per year where a landlord wishes to increase rents by more than 6 per cent. On a whole building review application, the Commission will determine the total rent increase to be permitted and how that increase is to be apportioned among the rental units. In making that apportionment, the Commission may consider variations in the rents being charged for similar units within the complex; discrepancies may thus be eliminated or reduced. Where the Commission finds it necessary, in order to relieve a landlord from hardship, it may allow a rent increase sufficient to bring gross revenue to not more than 2 per cent above operating costs. Exempted from rent review are:

1. Rental units owned or operated by governments or their agencies.
2. Rental units situate in a non-profit housing project whose rents are subject to governmental approval or in a non-profit co-operative housing project.
3. Rental units in buildings no part of which was occupied as a rental unit before January 1st, 1976.
4. Mobile homes or mobile home sites not occupied before January 1st, 1976.
5. After December 31st, 1979, rental units having monthly rentals of \$750 or more, if exempted by regulation.

6. Rental units provided by an educational institution for its students or staff.
7. Rental units in a residential complex owned or operated by a religious institution on a non-profit basis.

Where a landlord reduces a tenant's rent in a municipality designated by the Minister as economically depressed, provision is made for the landlord, not sooner than twelve months later, to increase the rent and the method of determining the maximum rent then chargeable is set out.

Part XII of the Bill deals with transitional matters consequent on the coming into force of the new Act and the transfer of jurisdiction to the Residential Tenancy Commission.

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BILL 163

1979

An Act to reform the Law respecting Residential Tenancies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “benefits and obligations” includes all benefits and obligations, regardless of whether they touch and concern the land and regardless of whether they relate to things that were in existence at the time the tenancy agreement was made;
- (b) “caretaker’s unit” means a rental unit used by a person employed as a caretaker, janitor, manager, watchman, security guard or superintendent in respect of the residential complex in which the rental unit is situated;
- (c) “Commission” means the Residential Tenancy Commission established under Part VIII;
- (d) “landlord” includes the owner, or other person permitting occupancy of a rental unit, and his heirs, assigns, personal representatives and successors in title and a person, other than a tenant occupying the rental unit, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;
- (e) “mail” means first-class, registered or certified mail;

- (f) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (g) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (h) "mobile home park" means the rental units, and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord, where two or more occupied mobile homes are located for a period of sixty days or more;
- (i) "non-profit co-operative housing corporation" means a corporation incorporated without share capital under *The Co-operative Corporations Act, 1973* or any predecessor thereof or under similar legislation of Canada or any province, the main purpose and activity of which is the provision of housing for its members, and the charter or by-laws of which provide that,
 - (i) its activities shall be carried on without the purpose of gain for its members,
 - (ii) on dissolution, its property after payment of its debts and liabilities shall be distributed to non-profit or charitable organizations,
 - (iii) housing charges, other charges similar to rent, or any other charges payable by members are decided by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and
 - (iv) termination of occupancy rights may be brought about only by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and that the member whose occupancy rights are terminated has a right to appear and make representations prior to such vote;
- (j) "prescribed" means prescribed by the regulations made under this Act;

- (k) "rent" includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant to a landlord or his agent for the right to occupy a rental unit and for any services and facilities, privilege, accommodation or thing that the landlord provides for the tenant in respect of his occupancy of the rental unit, whether or not a separate charge is made for such services and facilities, privilege, accommodation or thing;
- (l) "rent deposit" means a security deposit that section 9 does not prohibit a landlord from requiring or receiving;
- (m) "rental unit" means any living accommodation or site for a mobile home used or intended for use as rented residential premises and includes a room in a boarding house or lodging house;
- (n) "residential complex" means a building, related group of buildings or mobile home park, in which one or more rental units are located and includes all common areas, services and facilities available for the use of residents of the building, buildings or park;
- (o) "security deposit" means money or any property or right paid or given by a tenant to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;
- (p) "services and facilities" includes,
 - (i) furniture, appliances and furnishings,
 - (ii) parking and related facilities,
 - (iii) laundry facilities,
 - (iv) elevator facilities,
 - (v) common recreational facilities,
 - (vi) garbage facilities and related services,
 - (vii) cleaning or maintenance services,
 - (viii) storage facilities,
 - (ix) intercom systems,

- (x) cablevision facilities,
- (xi) heating facilities or services,
- (xii) air-conditioning facilities,
- (xiii) utilities and related services,
- (xiv) security services or facilities;

R.S.C. 1970,
c. N-10;
R.S.O. 1970,
cc. 213, 317

(q) "subsidized public housing" means a rental unit rented to persons or families of low or modest income at reduced rents by reason of public funding provided by the Government of Canada, Ontario or a municipality, including a regional, district or metropolitan municipality, or by any agency thereof, pursuant to the *National Housing Act* (Canada), *The Housing Development Act* or *The Ontario Housing Corporation Act*, and where the amount of the reduced rent is determined by the income of the tenant;

(r) "tenancy agreement" means an agreement between a landlord and a tenant for occupancy of a rental unit, whether written, oral or implied;

(s) "tenant" means a person who pays rent in return for the right to occupy a rental unit and his heirs, assigns and personal representatives and a sub-tenant is a tenant of the person giving the sub-tenant the right to occupy the rental unit.

Idem

(2) For the purposes of this Act, a tenant has vacated the rental unit and the residential complex where the tenancy has been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or
- (b) the tenant does not ordinarily live in the rental unit, and the rent he has paid, including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

Idem

(3) For the purposes of this Act, a tenant has abandoned the rental unit and the residential complex where the tenancy has not been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or

- (b) the tenant does not ordinarily live in the rental unit, has not expressed an intention to resume living in the rental unit, and the rent he has paid, including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

2.—(1) This Act applies to rental units in residential complexes and to tenancy agreements, despite any other Act and despite any agreement or waiver to the contrary. ^{Application of Act}

(2) Where a provision of this Act conflicts with a provision of any other Act, other than *The Condominium Act, 1978*, c. 84, the provision of this Act applies. ^{Conflict}

3. This Act is binding on the Crown.

Act binds Crown

4. This Act does not apply to,

Exemptions from Act

(a) transient living accommodation provided in a hotel, motel, inn, tourist home, hostel or other similar accommodation;

(b) living accommodation occupied as a vacation home for a seasonal or temporary period;

(c) living accommodation, whether situate on or off a farm, where occupancy of the premises is conditional upon the occupant continuing to be employed on the farm;

(d) living accommodation provided by a non-profit co-operative housing corporation to its members;

(e) living accommodation occupied by a person for penal, correctional, rehabilitative or therapeutic purposes or for the purpose of receiving care;

(f) living accommodation established to temporarily shelter persons in need;

(g) living accommodation provided in connection with the purposes for which the institution is established by a hospital, a nursing home or a home for the aged;

(h) living accommodation provided by an educational institution to its students or staff where,

(i) the living accommodation is provided primarily to persons under the age of majority, or

- (ii) all major questions related to the living accommodation are decided after consultation with a council or association representing the residents,

unless the living accommodation has its own self-contained bathroom and kitchen facilities and is intended for year-round occupation by full-time students or staff and members of their households;

- (i) living accommodation situate in a building or project used in whole or in part for non-residential purposes where the occupancy of the living accommodation is necessarily connected with the employment of the occupant in, or the performance by him of services related to, a non-residential business or enterprise carried on in the building or project.
- (j) premises occupied for business or agricultural purposes with living accommodation attached under a single lease unless the person occupying the living accommodation is a person other than the person occupying the premises for business or agricultural purposes, in which case the living accommodation shall be deemed to be a rental unit.

PART I

TENANCY AGREEMENTS

Agreement
may be oral,
written or
implied

5.—(1) A tenancy agreement may be made orally or in writing or may be implied.

Term
of oral or
implied
agreement

(2) An oral or implied tenancy agreement for a term or period greater than one year shall be deemed to be a tenancy agreement for one year only.

Standard
form of
agreement


(3) A written tenancy agreement shall be in the form set out in the Schedule hereto and shall be signed by the parties or their agents.

Where tenancy
agreement
deemed to be
in writing

(4) A tenancy agreement shall be deemed to be in writing where it has been signed by one party or his agent, given to the other party or his agent, and thereafter the tenant is permitted by the landlord to take occupancy of the rental unit.

Agreement
deemed to
include
provisions
of standard
form

(5) Every tenancy agreement not in the form set out in the Schedule shall be deemed to include the provisions of the form set out in the Schedule and any provision of the

tenancy agreement that is inconsistent with the provisions of the form set out in the Schedule or this Act is void. 

(6) *The Short Forms of Leases Act* does not apply to tenancy agreements made under this Act. Non-application of R.S.O. 1970, c. 436

(7) The term or period of a tenancy shall be measured from the date the tenant is entitled to occupy the rental unit under the tenancy agreement. Commencement of tenancy

(8) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for the commencement of the term or period regardless of whether the tenant has occupied the rental unit. Agreements take effect without occupancy

(9) Where, on the application of a tenant, the Commission determines that the tenant was not permitted to occupy the rental unit in accordance with the tenancy agreement, the Commission may make an order requiring the landlord to compensate the tenant for loss suffered as a result of not being permitted to occupy the unit, but nothing in this subsection prevents the tenant from applying to a county or district court or to the Supreme Court for specific performance of the tenancy agreement. Remedy where occupancy not given

6.—(1) In addition to the benefits and obligations contained in the form of tenancy agreement set out in the Schedule, a landlord and tenant may provide in a written tenancy agreement for other benefits and obligations which do not conflict with this Act, but where an obligation concerns the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord, the obligation cannot be enforced unless it is reasonable in all the circumstances. Additions to standard form

(2) A landlord shall not establish or modify, nor can he enforce, rules concerning the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord unless they are in writing, made known to the tenant and reasonable in all the circumstances. House rules to be reasonable

(3) Unless shown to be otherwise, for the purposes of this section, a rule or obligation is reasonable where it is, Where rule reasonable

(a) intended to,

- (i) promote fair distribution of services and facilities to the occupants of the residential complex,

(ii) promote the safety or welfare of persons working or residing in the residential complex, or

(iii) protect the landlord's property from abuse;

(b) reasonably related to the purpose for which it is intended;

(c) applicable to all tenants in a fair manner; and

(d) sufficiently clear in its prohibition, direction or limitation of the tenant's conduct to inform him of what he must do or must not do in order to comply with it.

Determination
of
reasonableness

(4) A landlord or a tenant may apply to the Commission to determine whether a rule or obligation is reasonable in all the circumstances.

Where
compliance
order not to
issue

(5) Where the Commission determines that the tenant has breached the obligation imposed by subsection 1 of section 40 (compliance with additional obligations), no order shall be made under clause *a* or *b* of subsection 4 of section 40 unless the Commission is of the opinion that the breach has resulted in damage beyond ordinary wear and tear to the rental unit or residential complex or unreasonable interference with,

(a) the safety; or

(b) the enjoyment for all usual purposes by the landlord or any tenant or members of their households,

of the residential complex or any rental unit.

Accelerated
rent
prohibited

7.—(1) A tenancy agreement shall not contain any provision to the effect that a breach of the tenant's obligations under the tenancy agreement or this Act results in the whole or any part of the remaining rent becoming due and payable, or results in a specific sum becoming due and payable, and any provision of this kind is void.

Remedy
where
accelerated
rent paid

(2) Where, on the application of a tenant, the Commission determines that any moneys that the tenant has paid to the landlord have been paid under a provision in the tenancy agreement that is void under subsection 1, the Commission shall make an order requiring the landlord to repay to the tenant the moneys so paid.

8.—(1) Where a prospective tenant, at the request of a landlord, signs a document, the tenant is entitled to retain a copy of the document that he has signed. Tenant entitled to retain copy of signed document

(2) Where a tenancy agreement is in writing, the landlord shall ensure that a copy of the agreement, signed by the landlord and the tenant, is given to the tenant within twenty-one days after it has been signed by the tenant and given to the landlord. Delivery of copy of tenancy agreement

(3) Where the copy of the tenancy agreement is not given to the tenant in accordance with subsection 2 then, until the copy is given to the tenant, Failure to deliver copy of tenancy agreement

(a) the landlord's right to enforce the tenant's obligation to pay rent is postponed; and

(b) any obligations of the tenant in addition to those contained in the form of tenancy agreement set out in the Schedule do not apply.

9.—(1) A landlord shall not require or receive a security deposit from a tenant other than, Security deposits

(a) in the case of a weekly tenancy, the rent for a period not exceeding one week; or

(b) in the case of a tenancy other than a weekly tenancy, the rent for a period not exceeding one month,

which shall be applied only in payment of the rent for the period immediately preceding the termination of the tenancy.

(2) Subject to subsection 3, a rent deposit may be required only at the commencement of the tenancy. When rent deposit may be required

(3) Where there has been a lawful rent increase, a landlord may require the tenant to pay, as an addition to the rent deposit, the amount necessary to increase the deposit to a sum not exceeding the new rent for the period to which the deposit is applicable. Where rent increased

(4) A landlord shall pay annually to the tenant interest on the rent deposit at the rate of 9 per cent per year. Interest

(5) Where, on the application of a landlord or a tenant, the Commission determines that any sum of money is payable under this section or that a sum of money has been paid Remedies

in excess of that permitted, the Commission may make an order requiring the payment of money in accordance with its determination.

Additional
charges
prohibited

10.—(1) A landlord shall not require or receive from a prospective tenant any payment, except rent, in respect of the granting of a tenancy, but nothing in this section prevents a landlord from charging a tenant or prospective tenant for improvements to the rental unit requested by the tenant or prospective tenant where the improvements would not ordinarily be the responsibility of the landlord and any charge for the requested improvements shall be deemed not to be a rent increase under this Act.

Remedy

(2) Where, on the application of a tenant or prospective tenant, the Commission determines that the tenant or prospective tenant has made any payment prohibited by subsection 1, the Commission may make an order requiring the landlord to return the payment to the tenant or prospective tenant.

Post-dated
cheques

11.—(1) A landlord or a tenancy agreement shall not require the delivery of any post-dated cheque or other negotiable instrument to be used for payment of rent.

Credit cards

(2) A landlord shall not require or accept the payment of rent by means of a credit card.

Permission
to breach
obligation

12. Express permission to breach, or the failure to enforce, an obligation under a tenancy agreement or this Act does not prevent the enforcement of the obligation where another breach occurs.

Application of
R.S.O. 1970,
c. 236

13. To the extent that they are consistent with this Act, sections 38 and 39 of *The Commercial Tenancies Act* (which concern the effects of a tenant's bankruptcy) apply to rental units and tenancy agreements under this Act.

PART II

CHANGE OF LANDLORD OR TENANT

GENERAL

Change of
landlord,
benefits and
obligations
continue

14. Where there has been a change of landlord, all benefits and obligations arising under this Act, and any additional benefits and obligations arising under a written tenancy agreement, bind the new landlord.

Change
of tenant,
benefits and
obligations
continue

15. Where there has been an assignment of a tenancy agreement by a tenant, all benefits and obligations arising

under this Act, and any additional benefits and obligations arising under a written tenancy agreement, bind the new tenant.



ASSIGNMENT AND SUBLETTING

16.—(1) A tenant may, subject to subsection 2, transfer his right to occupy the rental unit to another person, but the transfer may only be one of the following types: Right to assign or sublet

1. Where the tenant does not intend to return to the rental unit, he may give up all his interest in the rental unit to the other person, in which case the transfer shall be called an assignment.
2. Where the tenant intends to return to the rental unit, he may give the right to occupy the rental unit to the other person for a term ending on a specified date before the end of the tenant's term or period and provide that the tenant will resume occupancy on that date, in which case the transfer shall be called a subletting.

(2) An assignment or subletting is not valid unless, Consent

- (a) the landlord has given his written consent, which consent shall not be unreasonably withheld; or
- (b) the Commission has made an order permitting the assignment or subletting to be made without the landlord's written consent.

(3) A landlord shall not make any charge for giving the consent referred to in clause *a* of subsection 2 except a sum to compensate the landlord for his reasonable expenses arising from the assignment or subletting, not exceeding \$50. Charge for consent

(4) Consent to assign or consent to sublet shall be in the prescribed form and shall be signed by the landlord or his agent. Form of consent

(5) An assignment shall be in the prescribed form and shall be signed by the tenant and the new tenant or their agents and, where there is a written tenancy agreement, a copy shall be attached. Form of assignment

(6) A subletting agreement shall be in the prescribed form and shall be signed by the tenant and the sub-tenant or their Form of subletting agreement

agents and, where there is a written tenancy agreement, a copy shall be attached.

When assignment or subletting takes effect

(7) An assignment or subletting takes effect on the date the new tenant or sub-tenant is entitled to occupancy.

Subsidized public housing

(8) Subsection 1 does not apply to a tenant of subsidized public housing.

Remedies

(9) Where, on the application of a landlord or a tenant, the Commission determines any question arising under this section, the Commission may make an order,

(a) where the landlord has unreasonably withheld his consent, permitting the assignment or subletting to be made without the landlord's written consent; or

(b) directing the payment of any moneys that are payable by one to the other.

Improper assignment or subletting: remedy

17.—(1) Where, on the application of a landlord brought within sixty days of his learning of a transfer of occupancy, the Commission determines that there has been a transfer of occupancy that does not comply with, or is not permitted by, section 16, the Commission may make an order evicting the occupant on the earliest reasonable date.

Deemed valid assignment

(2) Where the landlord has not applied under subsection 1, the transfer of occupancy shall be deemed to have been a valid assignment from the time the new tenant first occupied the rental unit.

Delivery of copy of tenancy agreement

(3) Where a transfer of occupancy has been deemed to be an assignment, the new tenant shall be entitled to demand a copy of the written tenancy agreement, if any, that is applicable to the rental unit.

Failure to deliver copy of agreement

(4) Where a copy of the applicable written tenancy agreement is not given to the new tenant within twenty-one days of the new tenant's demand for it, then, until the copy is given to the new tenant or until the landlord has offered to enter into a new tenancy agreement with him,

(a) the landlord's right to enforce the new tenant's obligation to pay rent is postponed; and

(b) any obligations of the new tenant in addition to those contained in the form of tenancy agreement set out in the Schedule do not apply.

18. Where there has been an assignment under this Act, Consequences of assignment

- (a) the new tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period after the assignment, whether or not the breach began before the assignment;
- (b) the former tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period before the assignment;
- (c) the new tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period after the assignment, whether or not the breach began before the assignment;
- (d) the former tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period before the assignment; and
- (e) where the former tenant has started a proceeding under this Act before the assignment, and the benefits or obligations of the new tenant may be affected, the new tenant is entitled to join in or continue the proceeding.

19. Where there has been a subletting under section 16, Consequences of subletting

- (a) the tenant remains entitled to the benefits, and is liable to the landlord for the breaches of the tenant's obligations, under the tenancy agreement or this Act during the term of the subletting;
- (b) the sub-tenant is entitled to the benefits, and is liable to the tenant for the breaches of the sub-tenant's obligations, under the subletting agreement or this Act during the term of the subletting.

20.—(1) A sub-tenant has no right to occupy the rental unit after the end of the term of the subletting. When sub-tenant must vacate

(2) Where, on the application of a tenant or a landlord, the Commission determines that a sub-tenant has continued to occupy the rental unit after the end of the term of the Remedy against sub-tenant

subletting, the Commission may make an order evicting the sub-tenant on the earliest reasonable date.

Deemed
valid
assignment

(3) Where a tenant or a landlord has not applied under subsection 2 within sixty days after the end of the term of the subletting and the sub-tenant has continued to occupy the rental unit, a valid assignment to the sub-tenant shall be deemed to have taken place on the date the sub-tenant first occupied the unit under the subletting agreement.

CHANGE OF LANDLORD

Landlord's
right to sell,
mortgage, etc.

21.—(1) No sale, mortgage or other dealing with the landlord's interest in the residential complex depends for its validity on the acceptance of the transaction by the tenants of the residential complex.

Person to
whom rent
is payable

(2) A tenant may continue, without prejudice, to pay rent to his landlord until he has received written notice that another person has acquired the landlord's right to possession of the residential complex and is attempting to enforce any of the rights of the landlord under the tenancy agreement or this Act, including the right to collect rent.

Where
tenant
uncertain

(3) Where a tenant is uncertain about who is entitled to be paid the rent, he may request the Commission to enquire into the matter and where the Commission is unable to ascertain the person entitled to the rent, the Commission may direct the tenant to pay his rent to the Commission until the person entitled to the rent is determined, at which time the rent shall be paid to that person.

Consequences
of change of
landlord

22. Where there has been a change of landlord,

- (a) the new landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period after the change of landlord, whether or not the breach began before the change of landlord;
- (b) the former landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period before the change of landlord;
- (c) the new landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach

of obligation relates to the period after the change of landlord, whether or not the breach began before the change of landlord;

- (d) the former landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach of obligation relates to the period before the change of landlord; and
- (e) where the former landlord has started a proceeding under this Act before the change of landlord, and the benefits or obligations of the new landlord may be affected, the new landlord is entitled to join in or continue the proceeding.

PART III

BENEFITS AND OBLIGATIONS

SECURITY OF TENURE

23.—(1) A tenancy may not be terminated except in accordance with this Act. Restriction on termination of tenancy

(2) A landlord shall not regain possession of a rental unit unless, Restriction on recovery of possession

(a) a writ of possession has authorized the regaining of possession; or

(b) the tenant has vacated or abandoned the rental unit.

24.—(1) Where a tenancy agreement specifies a date for the tenancy agreement to end, the landlord and tenant shall be deemed to have renewed the tenancy agreement on that date as a monthly tenancy with the same benefits and obligations as existed under the former tenancy agreement, subject to a rent increase that complies with section 60 (notice of rent increase). Automatic renewal of tenancy

(2) Subsection 1 applies where, Application of subs. 1

(a) the landlord and tenant have not entered into a new tenancy agreement; and

(b) the tenancy has not been terminated in accordance with this Act.

MUTUAL OBLIGATIONS

Change of
locks:
rental unit

25.—(1) A landlord or tenant shall not change the locks on any entrance to the rental unit without the agreement of the other party made at the time of the change.

residential
complex

(2) A landlord or tenant shall not change the locks on any entrance to the residential complex so as to unreasonably interfere with the other's access to the complex.

Remedies

(3) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order,

- (a) requiring the person who breached the obligation to give access to the residential complex or rental unit;
- (b) requiring the person who breached the obligation to not breach the obligation again;
- (c) requiring the person who breached the obligation to compensate the party affected for loss suffered as a result of the breach.

Tenant's
right to
privacy

26.—(1) A landlord shall not enter a rental unit unless he is given the right to do so by this section.

Landlord's
right to
enter

(2) A landlord has the right to enter a rental unit, and the tenant shall permit the landlord to enter,

- (a) to perform the landlord's obligations under the tenancy agreement and this Act;
- (b) to inspect the rental unit where the tenant has requested his consent to an assignment or subletting;
- (c) to show the rental unit to prospective tenants after the tenant has given notice to terminate the tenancy, the landlord and tenant have agreed to terminate or the Commission has made an order terminating the tenancy;
- (d) to inspect the rental unit and to permit a mortgagee or prospective mortgagee or an insurer or prospective insurer to inspect the unit where a mortgage or insurance coverage is being arranged or is required to be renewed on the residential complex;

- (e) to inspect the rental unit on the day the tenant is required to vacate the unit to determine if the tenant has fulfilled his obligations under the tenancy agreement and this Act.

(3) A landlord who intends to exercise the right to enter given by subsection 2 shall first give written notice to the tenant at least forty-eight hours before the first time of entry under the notice, specifying the purpose of the entry and the days and the hours during which the landlord intends to enter the rental unit, and those hours must be between 9 a.m. and 9 p.m.

Need for notice

(4) Unless the tenant objects to the days and hours set out in the landlord's notice and specifies alternative days and hours that are reasonable in the circumstances, the landlord may enter in accordance with the notice given under subsection 3.

Tenant may specify alternative hours

(5) A landlord has the right to enter the rental unit without giving the notice required by subsection 3 where,

Entry without notice

- (a) an emergency exists, in which case the tenant shall permit the landlord to enter;
- (b) the tenant consents at the time of entry; or
- (c) the landlord has good reason to believe that the tenant has vacated or abandoned the rental unit.

(6) A landlord has the right to enter a rental unit, and the tenant shall permit the landlord to enter, to show the rental unit to prospective purchasers of the residential complex,

Landlord's right to enter to show unit to prospective purchasers of complex

- (a) at times agreed to between the landlord and the tenant; or
- (b) where there is no agreement, on the days and at the hours specified by the Commission on the application of either the landlord or the tenant.

(7) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order,

Remedies

- (a) requiring the person who breached the obligation to not breach the obligation again;

- (b) requiring the person who breached the obligation to compensate the affected party for loss suffered as a result of the breach.

Duty to
minimize
losses

27.—(1) Where a landlord or a tenant becomes liable to pay compensation as a result of a breach of the tenancy agreement or this Act, the person entitled to claim the compensation has a duty to take reasonable steps to minimize his losses.

Landlord's
duty where
tenant
abandons

(2) Where a tenant abandons a rental unit, the landlord shall endeavour, in minimizing his losses as required by subsection 1, to re-rent the rental unit as soon as is practicable and at a reasonable rent.

LANDLORD'S OBLIGATIONS

Landlord's
responsibility
to repair

28.—(1) A landlord is responsible for providing and maintaining,

- (a) the rental unit;
- (b) the residential complex; and
- (c) all services and facilities promised by the landlord whether or not included in a written tenancy agreement,

in a good state of repair and fit for habitation during the tenancy and for complying with health, safety and main-tenance and occupancy standards required by law.

Reduction
of services,
etc.

(2) Any substantial reduction in the provision of services and facilities shall be deemed to be a breach of subsection 1.

Knowledge of
non-repair
immaterial

(3) Subsection 1 applies regardless of whether any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into.

Remedies

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) authorizing any repair or other action by the tenant that has been taken or is to be taken to remedy

the effects of the landlord's breach and requiring the landlord to pay any reasonable expenses associated with the repair or action;

- (d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach, including any loss that was suffered as a result of an unreasonable delay by the landlord in remedying the effects of the breach;
- (e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

(5) A tenant shall give prompt notice to the landlord of any substantial breach of the obligation imposed by subsection 1 that comes to the tenant's attention. Notice of substantial breach

(6) Where the landlord does not remedy the breach within ten days, the tenant may pay to the Commission by cash, certified cheque or money order all or part of the rent lawfully required on the subsequent dates specified by the tenancy agreement and the payment of rent to the Commission shall be accompanied by an application to the Commission under this section. Payment of rent to Commission

(7) Where the Commission is of the opinion that the tenant had no reasonable grounds to believe that there was a substantial breach of the obligation imposed by subsection 1, the Commission may make an order, Where tenant does not act on reasonable grounds

- (a) requiring the tenant to compensate the landlord for any additional reasonable expenses incurred by the landlord in collecting rent from the Commission;
- (b) where the tenant persistently diverts rent without reasonable grounds, terminating the tenancy and evicting the tenant on a date specified by the Commission.

(8) Where, based on the obligation imposed by subsection 1, a person claims compensation for personal injury, no compensation shall be awarded unless it is shown that the landlord wilfully or negligently breached the obligation. Compensation for personal injury

29.—(1) A landlord shall not, until the date the tenant vacates or abandons the rental unit, withhold or cause to be withheld the reasonable supply of any vital service, such as heat or fuel or electricity, gas, hot and cold water or other Duty to not withhold vital services

public utility, that it is his obligation to supply under the tenancy agreement, or deliberately interfere with the supply of a vital service whether or not it is his obligation to supply that service during the tenant's occupancy of the rental unit.

Remedies

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by subsection 1, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord;
- (e) terminating the tenancy on a date specified by the Commission, where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

Notice
required
where public
utility
to be
discontinued
R.S.O. 1970,
c. 390

(3) Where a corporation, including a municipal corporation, or a public utility commission, that supplies any public utility within the meaning of *The Public Utilities Act* has reason to believe that a building or mobile home park it supplies is a residential complex, the corporation or commission shall not stop the supply from entering the residential complex or any rental unit therein because of a failure to pay the rate or charge due to the corporation or commission unless the corporation or commission, not less than seven days before the day on which the supply is to be stopped, gives notice in writing to the Commission of its intention to do so.

Role of
Commission
in preventing
discon-
tinuance

(4) Where the Commission receives a notice under subsection 3, or where the Commission is otherwise notified that the supply of a public utility to a residential complex or any rental unit therein has been or is likely to be stopped, and if the Commission after enquiry into the circumstances is of the opinion that the landlord of the residential complex has breached or is likely to breach his obligation to furnish the supply of the public utility to the residential complex, the Commission, after first affording the landlord an opportunity to be heard, may make an order directing any or all of the tenants in the residential complex to pay to the Commission all or part of the rent that would otherwise be payable to the landlord.

30.—(1) A landlord shall not unreasonably interfere with, Duty to not interfere with safety or enjoyment

(a) the safety; or

(b) the enjoyment for all usual purposes by a tenant or members of his household,

of the rental unit or residential complex.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

(a) requiring the landlord to comply with his obligation;

(b) requiring the landlord to not breach his obligation again;

(c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;

(d) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

31.—(1) A landlord shall not seize the personal property of a tenant for any breach by the tenant of the tenancy agreement or this Act, including the obligation to pay rent. No seizure of tenant's property

(2) Subsection 1 does not apply to a seizure of property when the seizure is made by the sheriff in satisfaction of an order of a court or the Commission. Seizure by sheriff

(3) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission shall make an order, Remedies

(a) that the personal property be returned;

(b) that the landlord compensate the tenant for any damage done to the property and for the wrongful seizure.

32.—(1) A landlord shall give notice to his tenants of, Notice of legal name of landlord, etc.

(a) the legal name of the landlord, the landlord's address for the giving of notices or documents and, where there is no agent of the landlord having authority in respect of the residential complex, the landlord's telephone number; and

- (b) the name, address and telephone number of any agent of the landlord having authority in respect of the residential complex.

Posting of notice

(2) Where a landlord rents more than one rental unit in the same residential complex and retains possession of part of the complex for the common use of all tenants, he shall fulfil the obligation imposed by subsection 1 by posting up and maintaining posted in a conspicuous place the information required by subsection 1.


Proceedings against landlord

(3) Any proceeding taken by a tenant may be commenced against the landlord in the name provided under clause *a* of subsection 1.

Remedy

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission shall make an order requiring the landlord to comply with his obligation.

Rent schedule

 **33.**—(1) Every landlord shall maintain and keep available, in the residential complex, for examination at reasonable hours, a schedule showing, for each rental unit located in the residential complex of which he is the landlord, the following information:

- (a) the number of bedrooms;
- (b) the current rent being charged for the unit;
- (c) those services and facilities, accommodations and things included in the current rent for which a separate charge is allocated by the landlord and the amount of each such charge;
- (d) the immediately preceding rent that was charged for the unit;
- (e) those services and facilities, accommodations and things included in the immediately preceding rent for which a separate charge was allocated by the landlord and the amount of each such charge; and
- (f) the date of the last rent increase for the unit.

Posting of notice

(2) Where there is more than one rental unit in a residential complex, the landlord shall post up conspicuously and maintain posted a notice advising of the existence of

the schedule and when and where it may be examined by persons having an interest in the matter.

(3) Every landlord shall, at least once in every twelve month period, give to the Commission a copy of the schedule maintained by him under subsection 1. Copy to Commission

(4) The Commission shall keep the schedule received by it under subsection 3 in the region in which the residential complex is situate and shall make the schedule available for examination by any person having an interest in the matter. Schedules to be kept in region

(5) Subsection 3 does not apply to rental units that are exempt from rent review under Part XI. Exception

(6) This section does not apply to a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof. Government-owned housing

(7) Where a rental unit in a residential complex, other than a complex referred to in subsection 6, is subsidized public housing, the rent charged that is shown on the schedule shall be the total amount of the rent being received by the landlord for that unit. Subsidized public housing

(8) Where, on the application of any person having an interest in the matter, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission shall make an order requiring the landlord to comply with his obligation. Remedy

34.—(1) A landlord shall comply with additional obligations under the tenancy agreement. Compliance with additional obligations

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation ;
- (b) requiring the landlord to not breach his obligation again ;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach ;
- (d) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the

landlord's breach and requiring the landlord to pay any reasonable expenses associated with the action.

Entry by
political
canvassers

35.—(1) A landlord shall not restrict reasonable access to the residential complex by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, or any office in a municipal government or a school board, for the purpose of canvassing or distributing election material.

Use of
common
room

(2) Where a residential complex contains a common room that is available for the recreational use of tenants, and a tenant or group of tenants wishes to use the room for a meeting between tenants of the complex and a holder of, or candidate for, any elected office mentioned in subsection 1, the landlord shall not prohibit the use of the room by reason only of the purpose of the meeting.

Remedy

(3) Where, on the application of a tenant or any other person affected, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission shall make an order requiring the landlord to comply with his obligation.

TENANT'S OBLIGATIONS

Obligation to
pay rent

36.—(1) A tenant shall pay to the landlord the rent lawfully required by the tenancy agreement on the dates specified by the tenancy agreement.

Remedies

(2) Where, on the application of a landlord, the Commission determines that a tenant has failed to pay rent in accordance with subsection 1, the Commission may make an order,

- (a) requiring the tenant to pay the rent owing;
- (b) requiring the tenant to pay his rent on time in the future;
- (c) terminating the tenancy and evicting the tenant on a date not earlier than,
 - (i) where the landlord holds a rent deposit, the last day for which rent has been paid or the fourteenth day following the application to the Commission, whichever is later, or

- (ii) where the landlord does not hold a rent deposit, the fourteenth day following the application to the Commission.

(3) Where the Commission makes an order under clause *a* of subsection 2, the Commission may, in determining the amount of rent owing, where it considers it is justified in doing so, take into account reasonable expenses incurred by the tenant to remedy the effects of any breach by the landlord of his obligation under section 28 (landlord's responsibility to repair).

Determination of amount of rent owing

(4) Where, before an order is made, the tenant pays the rent due to the landlord or the Commission, the Commission shall not make an order terminating the tenancy for failure to comply with subsection 1.

Where payment prevents termination

(5) A tenant shall not withhold the payment of rent except under section 8 or 17 (where landlord fails to give copy of tenancy agreement to tenant) or unless the Commission directs the tenant to pay all or part of his rent to the Commission or unless the tenant pays all or part of his rent to the Commission under subsection 6 of section 28.

Tenant not to withhold rent

(6) A tenant who withholds the payment of rent for a reason referred to in subsection 5 shall be deemed not to be in breach of the obligation imposed by subsection 1.

Effect of withholding payment of rent

37.—(1) A tenant is responsible for the repair of damage to the rental unit and the residential complex, including all services and facilities provided by the landlord, caused by the tenant's wilful or negligent conduct or that of persons who are permitted on the premises by him.

Responsibility for repair of damage

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order,

Remedies

- (a) requiring the tenant to comply with his obligation;
- (b) prohibiting the tenant from doing any further damage;
- (c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;

(d) authorizing any repair or other action by the landlord that has been taken or is to be taken to remedy the effects of the tenant's breach and requiring the tenant to pay any reasonable expenses associated with the repair or action;

(e) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Duty to not
interfere with
safety or
enjoyment

38.—(1) A tenant shall not unreasonably interfere with,

(a) the safety; or

(b) the enjoyment for all usual purposes by the landlord or any other tenant or members of their households,

of the residential complex or any other rental unit.

Deemed
interference
by tenant

(2) Unreasonable interference by a person permitted by a tenant to enter the residential complex or his rental unit shall be deemed to be unreasonable interference by the tenant.

Remedies

(3) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by subsection 1, the Commission may make an order,

(a) requiring the tenant to comply with his obligation;

(b) requiring the tenant to not breach his obligation again;

(c) requiring the tenant to compensate the persons affected for loss suffered as a result of the breach;

(d) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Landlord to
investigate
complaints

(4) Where a tenant informs his landlord that he has been affected by a breach of the obligation imposed by subsection 1, the landlord shall enquire into the complaint and take appropriate action, and the action taken may include the making of an application under subsection 3.

Where tenant
not satisfied

(5) Where, after receiving a complaint under subsection 4, the landlord does not make an application under subsection 3 and the complaining tenant is not satisfied with the action, if any, that the landlord has taken, the complaining tenant

may give a written notice to that effect to the landlord and the Commission.

(6) Where the Commission receives a notice under subsection 5, the Commission shall enquire into the matter and, where it is of the opinion that there would be reasonable grounds for an application under subsection 3, shall attempt, by whatever means it considers necessary, to resolve the complaint by agreement.

Commission to enquire into matter

(7) Where the Commission is of the opinion that it has been unable to resolve the complaint within a reasonable time,

Deemed application under subs. 3

- (a) an application by the landlord under subsection 3 against the tenant alleged to have breached the obligation imposed by subsection 1 shall be deemed to have been made;
- (b) the landlord, the complaining tenant and the tenant alleged to have breached the obligation are parties to the application; and
- (c) the landlord shall be deemed to have complied with section 98.

39. Where, on the application of a landlord, the Commission determines that,

Prompt eviction for serious breach

- (a) a tenant has breached the obligation not to unreasonably interfere imposed by section 38, and the continuation of the tenancy would be unfair to the other occupants of the residential complex;
- (b) a tenant or a member of his household has caused extraordinary damage to the rental unit, the residential complex or services and facilities provided by the landlord; or
- (c) a tenant was permitted to occupy the rental unit as a result of a promise to pay the first instalment of rent or the rent deposit within a specified time and,
 - (i) failed to do so, or
 - (ii) gave the landlord a cheque or other negotiable instrument for the first instalment of rent or the rent deposit which proved to be worthless,

the Commission may make an order terminating the tenancy and evicting the tenant on the earliest possible date.

Compliance
with
additional
obligations

40.—(1) A tenant shall comply with rules or obligations under the tenancy agreement, except those that are unenforceable under section 6 (rules to be reasonable).

Responsibility
for cleanliness

(2) A tenant shall maintain the rental unit and all services and facilities provided by the landlord of which the tenant has exclusive use in a state of ordinary cleanliness.

Overcrowding

(3) A tenant shall not permit a number of persons to occupy the rental unit on a continuing basis that results in the contravention of health, safety or housing standards required by law or in a breach of the tenancy agreement.

Remedies

(4) Where, on the application of a landlord, the Commission determines that a tenant has breached an obligation imposed by this section, the Commission may make an order,


(a) requiring the tenant to comply with his obligation;

(b) requiring the tenant to not breach his obligation again;

(c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;

(d) authorizing any action by the landlord that has been taken or is to be taken to remedy the effects of the tenant's breach and requiring the tenant to pay any reasonable expenses associated with the action.

Illegal
activities

 **41.—**(1) A tenant shall not carry on or permit to be carried on any illegal activity or do or permit the doing of any illegal act in the rental unit or in the residential complex.

Remedies

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section and that the landlord or another occupant of the residential complex has been adversely affected, or is likely to be adversely affected by a continuation or repetition of the breach, the Commission may make an order,

(a) requiring the tenant to comply with his obligation;

- (b) requiring the tenant to not breach his obligation again;
- (c) terminating the tenancy and evicting the tenant on a date specified by the Commission.

42.—(1) A tenant of subsidized public housing shall not, ^{Obligations of public housing tenants}

- (a) knowingly make a significant false statement in his application for accommodation;
- (b) at any time knowingly and significantly misrepresent his income or income-producing assets or that of other persons occupying the rental unit; or
- (c) fail to provide the landlord, within a reasonable time after being required to do so by the tenancy agreement, with a statement of income or income-producing assets or that of other persons occupying the rental unit.

(2) Where, on the application of a landlord, the Commission ^{Remedy} determines that a tenant has breached the obligation imposed by clause *a* or *b* of subsection 1, the Commission may make an order,

- (a) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;
- (b) terminating the tenancy and evicting the tenant on a date specified by the Commission.

(3) Where, on the application of a landlord, the Com- ^{Idem} mission determines that a tenant has breached the obligation imposed by clause *c* of subsection 1, the Commission may make an order,

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;
- (c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach.

ENFORCEMENT OF COMMISSION ORDERS


43. Where, on the application of a tenant, the Commission ^{Where landlord fails to comply with order} determines that the landlord has failed to obey an order of

the Commission or a court concerning the landlord's obligations under the tenancy agreement or this Act, the Commission may make an order,

- (a) directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord;
- (b) terminating the tenancy on a date specified by the Commission where the failure to obey the order is so substantial that the continuation of the tenancy would be unfair to the tenant.

Where
tenant fails
to comply
with order

44. Where, on the application of a landlord, the Commission determines that a tenant has failed to obey an order of the Commission or a court concerning the occupancy of a rental unit or the tenant's obligations under the tenancy agreement or this Act, the Commission may make an order,

- (a) extending the time in which the tenant may comply with the order;
- (b) terminating the tenancy and evicting the tenant on a date specified by the Commission. 

PART IV

TERMINATION WITHOUT FAULT

Agreement
to
terminate

45. Where a landlord and tenant agree in writing after a tenancy agreement has been made to terminate the tenancy on a specified date, the tenancy is terminated on the date specified.

Termination
by tenant:
fixed
term

46. Where a tenancy agreement specifies a date for the tenancy agreement to end, the tenant may terminate the tenancy on the date specified in the agreement by giving the landlord a notice of termination not later than thirty days before the termination date.

Termination
by tenant:
periodic
tenancy

47. Where a tenancy agreement does not specify a date for the tenancy to end, the tenant may terminate the tenancy on the last day of a period of the tenancy by giving the landlord a notice of termination,

- (a) in the case of a weekly tenancy, at least seven days before the termination date; or
- (b) in the case of a tenancy other than a weekly tenancy, at least thirty days before the termination date.

48. A notice of termination by a tenant shall be in writing and shall, Contents of tenant's notice of termination

- (a) be signed by the tenant or his agent;
- (b) identify the rental unit to which the notice applies; and
- (c) state the date on which the tenancy is to terminate.

49. Where, on the application of a landlord, the Commission determines that there is an agreement to terminate under section 45, or that the tenant has given a written notice of termination, the Commission may make an order, Enforcement of agreement or notice to terminate

- (a) evicting the tenant on the date specified in the agreement or notice, or on the earliest reasonable date thereafter;
- (b) requiring the tenant to compensate the landlord for the use and occupation of the rental unit, calculated for each day the tenant remains in occupation following the termination of the tenancy.


50. Where, on the application of a landlord or a tenant, the Commission determines that, Shared accommodation

- (a) the landlord and the tenant share a bathroom or kitchen facility; and
- (b) personal differences that have arisen between the landlord and the tenant make the continuation of the tenancy unfair to either of them,

the Commission may make an order terminating the tenancy, and where the landlord is applicant, evicting the tenant, on a date specified by the Commission.

51.—(1) Where, on the application of a landlord, the Commission determines that the landlord in good faith, Termination by landlord for own use or where sale

- (a) requires possession of a rental unit for the purpose of residence by himself, his spouse, his child or parent, or a child or parent of his spouse; or

 (b) has entered into an agreement of sale of a residential complex and,

- (i) is required by the agreement of sale to deliver vacant possession of a rental unit to the purchaser, and

- (ii) the purchaser requires possession of the rental unit for the purpose of residence by himself, his spouse, his child or parent, or a child or parent of his spouse,

the Commission may make an order terminating the tenancy and evicting the tenant,

- (c) on the last day of a rent payment period not earlier than sixty days after the date the application is made; or

- (d) at the end of the tenancy agreement,

whichever is later.

Where
order may be
refused

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *a* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit.

Early
termination
by tenant

(3) Where a tenant receives a copy of an application under subsection 1, he may, at any time before the date specified for termination in the application, terminate the tenancy by,

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and

- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

Overpayment
by tenant

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission shall make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit.

Termination
for
demolition,
change of
use or
major repairs

52.—(1) Where, on the application of a landlord, the Commission determines that the landlord in good faith requires possession of a rental unit for the purposes of,

- (a) demolition;

- (b) changing the use of the rental unit to a use other than that of rented residential premises; or
- (c) making repairs or renovations so extensive as to require a building permit and vacant possession of the rental unit,

and that the landlord has obtained all necessary permits or other authority that may be required, the Commission may make an order terminating the tenancy and evicting the tenant,

- (d) on the last day of a rent payment period not earlier than 120 days after the application is made; or
- (e) at the end of the tenancy agreement,

whichever is later.

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *b* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit.

Where
order
may be
refused

(3) Where a tenant receives a copy of an application under subsection 1, he may at any time before the date specified for termination in the application, terminate the tenancy by,

Early
termination
by tenant

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission shall make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit.

Overpayment
by tenant

(5) Where a tenant has received a copy of an application for termination under clause *c* of subsection 1 and has indicated in writing to the landlord, before vacating the rental unit, that he wishes to have a right of first refusal to rent the

Tenant's
right of
first refusal

unit as a tenant when the repairs or renovations are completed, the tenant shall have the right of first refusal to rent the unit, at the lowest rent that would be charged to any other tenant for the same unit, provided that the tenant informs the landlord by mail of any change of address.

Remedy where
right of first
refusal denied

(6) Where, on the application of a former tenant, the Commission determines that the landlord has deprived the tenant of the benefit of subsection 5, the Commission may make an order requiring the landlord to compensate the tenant for the loss of the benefit.

Remedy for
improper
termination

53.—(1) In addition to liability to a prosecution under section 123 for knowingly furnishing false information to the Commission, where, on the application of a former tenant, the Commission determines that the tenant vacated the rental unit as a result of an application to terminate under section 51 or 52 and that the landlord or, in the case of an application under clause *b* of subsection 1 of section 51, the purchaser, did not in good faith require the rental unit for the purpose specified in the application to terminate, the Commission may make an order,

- (a) requiring the landlord or the purchaser to pay the tenant's reasonable moving expenses to his new accommodation;
- (b) requiring the landlord or the purchaser to compensate the tenant for any additional reasonable expenses incurred by the tenant, including, for a period of up to twelve months, any increased rent that the tenant was obliged to pay as a result of the improper termination.

Presumption

- (2) Unless proven otherwise, it shall be presumed that,
 - (a) a landlord, in the case of an application to terminate under clause *a* of subsection 1 of section 51; or
 - (b) a purchaser, in the case of an application to terminate under clause *b* of subsection 1 of section 51,

did not in good faith require the rental unit for the purpose specified in the application to terminate unless the rental unit is occupied in accordance with the purpose specified in the application within ninety days of the date specified for termination in the application.

Tenants of
educational
institutions,
employers or
condominiums

54. Where, on the application of a landlord, the Commission determines that,

- (a) a tenant, who as a student or staff member was provided by an educational institution with living accommodation that is not exempt from this Act, has ceased to meet the qualifications required for occupancy of the living accommodation;
- (b) a tenant was an employee of an employer who provided the tenant with a rental unit during his employment and his employment has terminated; or
- (c) a tenancy arose because of or in connection with an agreement of purchase and sale, entered into in good faith, of a proposed unit within the meaning of *The Condominium Act, 1978* and the agreement of 1978, c. 84 purchase and sale has been terminated,

the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission.

55.—(1) Where, on the application of a landlord, the Commission determines that a tenant of subsidized public housing is not in need of subsidized public housing, the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission.

Tenant not
in need of
public
housing

(2) Where, on the application of a landlord, the Commission determines that,

Tenant in
need of
public
housing

- (a) a tenant of subsidized public housing is not in need of the particular subsidized public housing he occupies; and
- (b) the tenant is in need of subsidized public housing of some kind,

the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission, but the Commission may refuse to make the order unless the tenant is permitted to occupy another rental unit that is subsidized public housing.

56. Where, on the application of a federal, provincial or municipal authority, the Commission determines that a rental unit must be vacated in order to comply with an order by a federal, provincial or municipal authority, the Commission may make an order terminating the tenancy

Order of
government
authority

and evicting the tenant on a date which is reasonable in all the circumstances.

Where rental unit made uninhabitable, etc.

57.—(1) Where a tenancy agreement has become impossible to perform because the rental unit or residential complex has been made uninhabitable by fire, flood or other occurrence, or where the tenancy agreement has been otherwise frustrated, the tenancy shall be deemed to have been terminated on the date performance became impossible or the tenancy agreement was otherwise frustrated.

Application of R.S.O. 1970, c. 185

(2) *The Frustrated Contracts Act* applies to a tenancy that has been terminated under subsection 1.

Abandonment or surrender

58.—(1) Where a tenant abandons or surrenders a rental unit, the tenancy agreement is terminated on the date the rental unit was abandoned or surrendered, but in the case of abandonment the tenant remains liable, subject to section 27 (landlord's duty to minimize losses), to compensate the landlord for loss of future rent that would have been payable under the tenancy agreement.

Compensation for loss of future rent

(2) Where, on the application of a landlord, the Commission determines that a tenant has abandoned a rental unit, the Commission may make an order requiring the tenant to pay to the landlord the compensation for which the tenant is liable by reason of subsection 1.

Termination of caretaker's tenancy

59.—(1) Despite any other provision of this Act, where a landlord has entered into a tenancy agreement in respect of a caretaker's unit, unless otherwise agreed, the tenancy of the tenant is terminated on the day on which his employment is lawfully terminated and the tenant shall vacate the caretaker's unit not later than one week after his employment is lawfully terminated.

No rent or compensation

(2) A landlord shall not charge or receive any rent or compensation from the tenant in respect of the period of one week mentioned in subsection 1.

Remedy against caretaker who overholds

(3) Where, on the application of a landlord, the Commission determines that a tenant has failed to vacate the premises as required by subsection 1, the Commission may make an order evicting the tenant on the earliest reasonable date.

PART V

NOTICE OF RENT INCREASES

Notice of rent increase

60.—(1) A landlord shall not increase the rent for a rental unit unless he gives the tenant a notice in the prescribed

form setting out his intention to increase the rent and the amount of the increase, expressed both in dollars and as a percentage of the current rent, intended to be made not less than ninety days before the end of,

(a) a period of the tenancy; or

(b) the term of a tenancy for a fixed period.

(2) An increase in rent by the landlord where the landlord has not given the notice required by subsection 1 is void.

Increase
void where
no notice

(3) Subsections 1 and 2 do not apply to a rent increase for a rental unit where the rent increase is intended to take effect when a new tenant first occupies the rental unit under a new tenancy agreement.

Notice
unnecessary
for new
tenant

(4) Where a tenancy agreement for a rental unit that is not subject to rent review under Part XI provides that the tenant shall pay all, part of, or any increase in,

Taxes and
utility charges
where unit
not subject
to rent review

(a) the taxes attributable to the rental unit; or

(b) the utility charges or heating charges attributable to the rental unit,

and the taxes, utility charges or heating charges are increased, the notice required by subsection 1 need not be given and the increase shall be deemed not an increase under this Act.

(5) Unless a tenancy agreement specifically provides otherwise, a promise by a tenant to pay taxes shall be deemed not to include an obligation to pay taxes assessed for local improvements.

Taxes deemed
not to include
local
improvement
charges

61.—(1) Where a tenant who has been given a notice of an intended rent increase under section 60 fails to give the landlord proper notice of termination, he shall be deemed to have accepted,

Where tenant
fails to give
notice of
termination

(a) where the amount of the rent increase is not subject to rent review under Part XI,

(i) the amount of the rent increase specified in the notice of the landlord, or

(ii) such other rent increase as may be agreed upon in writing between the landlord and the tenant; or

- (b) where the amount of the rent increase is subject to rent review under Part XI, the amount of rent increase that does not exceed the amount allowed under that Part.

Deemed acceptance not to constitute waiver of tenant's rights

(2) The deemed acceptance by a tenant of an increase in rent in the case mentioned in clause *b* of subsection 1 does not constitute a waiver of the tenant's right to take whatever proceedings are available to him under this Act for the review of rent increases.

PART VI

TENANT'S PERSONAL PROPERTY

Tenant may remove fixtures

62.—(1) A tenant may, during the time he occupies the rental unit, remove any property belonging to him which is attached to the rental unit, provided that he repairs, or compensates the landlord for, any damage done to the rental unit that results from the installation or removal of the property.

Disputes

(2) On the application of a landlord or a tenant, the Commission may determine whether a tenant is entitled to remove property under subsection 1 and may make an order,

(a) permitting or prohibiting the removal of property;

(b) requiring the tenant to repair, or compensate the landlord for, any damage done to the rental unit.

Abandoned personal property

63.—(1) Unless a landlord and tenant have made a specific agreement providing for the storage of personal property, where a tenant leaves personal property in a rental unit or residential complex that he has vacated or abandoned, the landlord may remove the personal property and, on removal, shall store and dispose of the personal property in accordance with this section.

Worthless, etc. property

(2) Where a landlord has good reason to believe that an item of personal property removed under subsection 1,

(a) would be unsanitary or unsafe to store; or

(b) is worthless,

the landlord may dispose of the item.

(3) Where a landlord removes personal property other than property described in subsection 2, he shall, at the earliest reasonable opportunity, give the Commission an inventory in the prescribed form of the property and, where the address of the tenant is known to the landlord, he shall give the tenant a copy of the inventory. Landlord to give inventory

(4) Where, after receiving the inventory, the Commission determines that an item of personal property in the inventory could not be sold for an amount greater than the reasonable cost of removing, storing and selling it, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Property of little value

(5) Property that has not been disposed of or sold under subsection 2 or 4 shall, subject to the direction of the Commission, be stored in a safe place and manner for a period of not less than sixty days. Remaining property to be stored

(6) Where the tenant or owner of an item of personal property stored by the landlord pays the landlord the cost of removing and storing the item, the landlord shall give the item to the tenant or owner and notify the Commission. Where property to be returned

(7) Where no person has taken possession of an item of personal property stored under subsection 5 during the sixty days referred to in that subsection, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Sale of unclaimed property

(8) Where a landlord sells an item of personal property under subsection 4 or 7, he may, subject to the terms and conditions set by the Commission under those sections, Proceeds of sale

(a) retain that part of the proceeds of the sale necessary to reimburse him for the reasonable costs of removing, storing and selling the property; and

(b) retain that part of the proceeds of the sale necessary to satisfy any order for compensation made in his favour by the Commission or a court, where the order was made regarding the tenancy agreement or this Act,

and shall pay the balance to the Commission, who shall hold the balance for one year for the tenant who left the personal property in the rental unit or residential complex.

Report on
sale

(9) Where a landlord sells an item of personal property under subsection 4 or 7, he shall give to the Commission a written report in the prescribed form regarding the sale and the distribution of the proceeds of the sale.

Unclaimed
proceeds
forfeited to
Crown

(10) Where the Commission does not receive a claim in respect of the balance within the one-year period referred to in subsection 8, the amount not claimed shall be forfeited to the Crown.

Purchaser in
good faith
acquires good
title

(11) A purchaser in good faith of an item of personal property of the tenant sold in accordance with subsection 4 or 7 shall be deemed to have acquired good title to the property, free and clear of any other interest.

Substantial
compliance
protects
landlord

(12) Where a landlord substantially complies with this section, he is not liable to the tenant or any other person for loss suffered by the tenant or other person as a result of the storage, sale or other disposition by the landlord of the abandoned personal property.

Remedies for
wrongful
sale, etc.

(13) Where, on the application of a person claiming to be the owner of an item of personal property, the Commission determines that the landlord has wrongfully sold, disposed of or otherwise dealt with the item of personal property, the Commission may make an order,

- (a) requiring the landlord to compensate the owner for the wrongful sale, disposition or dealing; or
- (b) requiring the landlord to give the property to the owner.

PART VII

MOBILE HOMES

Tenant's right
to sell, etc.

64.—(1) A landlord shall not restrict in any way the right of a tenant to sell, lease, or otherwise part with the possession of a mobile home owned by the tenant.

Where mobile
home and site
both
transferred

(2) Where a person obtains possession of a mobile home owned by a tenant while it is situate in a mobile home park and also obtains an assignment or subletting under section 16 of the site that is the rental unit, that person shall be entitled to all the benefits of a tenant or sub-tenant in the mobile home park.

Landlord as
agent for
sale, etc.

(3) A landlord shall not receive any compensation for acting as the agent of the tenant in any negotiations to sell,

lease or otherwise part with possession of a mobile home situate in a mobile home park, except under a written agency contract, entered into after the decision of the tenant to sell, lease or otherwise part with possession of the mobile home.

(4) Where, on the application of a tenant or any other person affected, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.

65.—(1) A landlord shall not make any charge in respect of, Certain charges prohibited

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;
- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park; or
- (e) the granting of a tenancy in a mobile home park,

except a sum to compensate the landlord for his reasonable expenses arising out of the installation or removal of a mobile home.

(2) Where, on the application of a landlord or a tenant, the Commission determines that money is payable to the landlord or to the tenant by reason of subsection 1, the Commission may make an order requiring the money to be paid. Remedy

66.—(1) Except as provided in this section, a landlord shall not restrict in any way the right of a tenant to purchase goods or services from the person of his choice. Restraint of trade prohibited

Standards
for
equipment

(2) A landlord may set reasonable standards for mobile home equipment.

When
tradesman
may be
prohibited
from entry

(3) Where a tradesman has,

- (a) unduly disturbed the peace and quiet of the mobile home park;
- (b) failed to observe reasonable rules of conduct that have been established by the landlord; or
- (c) violated the traffic rules of the mobile home park,

despite a request by the landlord to discontinue the conduct, the landlord may restrict or prohibit the entry of the tradesman into the mobile home park.

Remedies

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.

Additional
obligations
of landlord



67.—(1) A landlord is responsible for,

- (a) providing or ensuring the complete removal or disposal of garbage in the mobile home park at least once each week;
- (b) grading and maintaining all roads in the mobile home park so that the roads are in a good state of repair;
- (c) clearing snow from mobile home park roads to maintain, as much as possible, the same width of passage on the roads at all times throughout the year;
- (d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in a good state of repair;
- (e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment in-

tended for the common use of the tenants in a good state of repair and cleanliness; and

- (f) the repair of damage to the tenant's property caused by the wilful or negligent conduct of the landlord.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the landlord's breach and requiring the landlord to pay any reasonable expenses associated with the action;
- (d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach;
- (e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant and requiring the landlord to pay all or part of the tenant's reasonable expenses in moving his mobile home to another site.



68.—(1) A tenant who is the owner of a mobile home situate on a rental unit is responsible for maintaining the exterior portion of the mobile home in a good state of repair and cleanliness. Obligations of tenant

(2) Where, on the application of a landlord or a tenant, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;

(c) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Termination
by landlord
for own use
or for
demolition

69.—(1) Where a landlord of a mobile home park makes an application to the Commission under section 51 or 52, the landlord shall make every reasonable effort to find an alternative site of similar character, convenience and cost to which the tenant may move his mobile home or in which the tenant may purchase, lease or otherwise obtain the use of a mobile home.

Where no
order to be
made

(2) The Commission shall not make an order terminating a tenancy in a mobile home park and evicting a tenant under section 51 or 52 unless the Commission is satisfied that the landlord has complied with subsection 1.

Moving
expenses

(3) Where a tenancy of a site in a mobile home park is terminated under section 30, 51 or 52, the Commission may make an order requiring the landlord to pay all or part of the tenant's reasonable expenses in moving his mobile home to another site.



PART VIII

RESIDENTIAL TENANCY COMMISSION

Commission
established

70. A commission to be known as the Residential Tenancy Commission is hereby established.

Composition
of
Commission

71. The Commission shall be composed of such number of Commissioners as the Lieutenant Governor in Council determines.

Term of
office

72. The Commissioners shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding five years and may be reappointed for further successive terms of five years each.

Removal
for
cause

73.—(1) A Commissioner may be removed from office during his term only for misbehaviour or for inability to perform his duties properly and only if,

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the Commissioner is given reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

(2) For the purpose of making an inquiry under sub-section 1, the Lieutenant Governor in Council may appoint a judge of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has, for that purpose, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Inquiry

1971, c. 49

(3) An order removing a Commissioner from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session.

Order
for
removal

74. Each Commissioner shall devote his full time and attention to the work of the Commission.

Commissioners
full time

75.—(1) Each Commissioner shall be paid such remuneration and be afforded such benefits as are fixed by the Lieutenant Governor in Council and shall in addition be reimbursed for his reasonable travelling or out-of-pocket expenses necessarily incurred by him in the discharge of his duties.

Remunera-
tion

(2) *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the Commissioners.

Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

76. The Lieutenant Governor in Council shall appoint as Appeal Commissioners such number of Commissioners as the Lieutenant Governor in Council determines.

Appeal
Commissioners

77.—(1) The administration of the affairs of the Commission shall be vested in a Board of Commissioners, to be composed of such Commissioners as the Lieutenant Governor in Council designates.

Board
of
Commissioners

(2) Five members of the Board of Commissioners, of whom one shall be the Chief Tenancy Commissioner or his designate, constitute a quorum.

Quorum

78.—(1) One of the members of the Board of Commissioners shall be designated by the Lieutenant Governor in Council as Chief Tenancy Commissioner, who shall be chairman of the Board and chief administrative officer of the Commission.

Chief
Tenancy
Commissioner

(2) Where the Chief Tenancy Commissioner is unable to carry out his duties because of absence or illness, the Minister may

Absence or
illness of Chief
Tenancy
Commissioner

appoint another member of the Board of Commissioners to act as Chief Tenancy Commissioner until the Chief Tenancy Commissioner returns to duty, but an appointment under this section shall not be made for a period of longer than six months.

Staff

79.—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, terms and conditions of employment, salary ranges and other benefits for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, terms and conditions, salary ranges and benefits so approved.

Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

(2) *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the employees of the Commission as though the Commission were a commission designated by the Lieutenant Governor in Council under section 27 of the first mentioned Act.

Professional,
technical and
other
assistance

80. The Commission may engage persons other than those appointed under section 79 to provide professional, technical or other assistance to the Commission and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons.

Duties of
Commission

81. The Commission shall,

- (a) perform the duties assigned to it by or under this Act and shall administer this Act and the regulations;
- (b) periodically review this Act and the regulations and recommend from time to time amendments or revisions thereof;
- (c) advise and assist the public on all residential tenancy matters including referral where appropriate to social services and public housing agencies;
- (d) take an active role in ensuring that landlords and tenants are aware of the benefits and obligations established by this Act;

- (e) periodically prepare and publish a summary of significant decisions of the Commission and the reasons therefor.

Policy
guidelines,
etc.,
available
to public

82. All policy guidelines and procedural manuals issued by the Commission which may be used in making determina-

tions under this Act shall be made available for examination by the public.

83. No action or other proceeding for compensation or damages shall be instituted against the Commission, any Commissioner, or any member of the Commission staff, for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Immunity of
Commission
for acts done
in good faith

84.—(1) Subject to subsections 3 to 8, the Commission has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Act and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Commission.

Exclusive
jurisdiction
of
Commission

(2) The Commission may determine,

Commission
may
determine
application
of Act, etc.

(a) whether this Act applies to a particular living accommodation; and

(b) the rental units, common areas, services and facilities included in a particular residential complex.

(3) The Commission shall not make an order for the payment of money where the amount claimed by any party to the application is in excess of \$3,000, but nothing in this subsection prevents the Commission from arbitrating a dispute and enforcing a decision under section 85 or directing the payment of any rent to the Commission in respect of an amount in excess of \$3,000.

No order
where amount
claimed by
party over
\$3,000

(4) Where, under this Act, a person claims a sum of money in excess of \$3,000, he may institute proceedings therefor in any court of competent jurisdiction.

Court
jurisdiction

(5) Where, under subsection 4, proceedings are instituted in a county or district court, the court may, where the sum of money claimed is within the monetary jurisdiction of the court in a contract action, hear and determine the matter.

County or
district court

(6) Despite the institution of proceedings in court for the recovery of money, unless the court stays proceedings before the Commission on the grounds that it would not be practicable or would be unfair to any party to continue the proceedings before the Commission, which stay the court is hereby empowered to make, the Commission may hear and determine, and may make an order respecting, all aspects of the

Commission
proceedings
not ordinarily
stayed

matters in dispute that do not depend on the determination of the claim for money.

Commission
entitled to
be heard
before stay
ordered

(7) The court shall not order a stay of proceedings before the Commission under subsection 6 without first affording the Commission an opportunity to be heard and to make representations to the court on the matter.

Court
jurisdiction
where
Commission
proceedings
stayed

(8) Where the court orders that proceedings before the Commission be stayed, the court may hear and determine all matters in dispute and may exercise all of the authority of the Commission in that regard and may make any order or decision that the Commission might have made.

Arbitration by
Commission

85.—(1) Where a dispute concerning a residential tenancy is not within the jurisdiction of the Commission, the Commission may, with written consent of all parties to the dispute, arbitrate the dispute and in that case the decision of the Commission is final and binding on all parties to the dispute.

Enforcement
of decision

(2) The decision of the Commission under subsection 1 shall be deemed to be an order of the Commission for the purposes of enforcement.

Non-applica-
tion of
R.S.O. 1970,
c. 25

(3) Where the Commission acts as arbitrator under subsection 1, *The Arbitrations Act* does not apply.

Minister may
establish
regions

86. The Minister may, by order, establish regions in Ontario for the purposes of this Act.

Proceedings
in region

87. An application to the Commission may only be made, and all proceedings before the Commission shall be held, in the region in which the residential complex in question is situate, unless the parties otherwise agree in writing or the Commission otherwise directs.

Payment of
Commission's
expenses

88. All expenses incurred and expenditures made by the Commission in the conduct of its affairs shall, until the 31st day of March, 1980, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

Commission
may charge
fee for
copies of
documents,
etc.

89. The Commission may charge a fee in the prescribed amount for furnishing to any person, at his request, copies of forms, notices or documents filed with or issued by the Commission, including policy guidelines and procedural manuals.

90. The accounts of the Commission shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose, and the salary and remuneration of the auditor so appointed shall be paid by the Commission as part of its administrative expenses. Audit of Commission's accounts

91.—(1) The Commission shall at the close of each year file with the Minister an annual report upon the affairs of the Commission. Annual report

(2) The Commission shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require. Further reports

(3) The Minister shall submit the reports to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session. Tabling of reports

PART IX

PROCEDURE

GENERAL

92. The Commission shall adopt the most expeditious method of determining the questions arising in any proceeding that affords to all persons affected by the proceedings an adequate opportunity to know the issues and be heard on the matter. Commission to adopt expeditious procedures

93.—(1) Every decision of the Commission shall be upon the real merits and justice of the case. Decision to be on merits and justice



(2) In determining the real merits and justice of the case, the Commission shall ascertain the real substance of all transactions and activities relating to the residential complex and the good faith of the participants and in doing so, Commission to ascertain substance of transactions and activities, etc.

(a) may disregard the outward form of the transactions or the separate corporate existence of the participants; and

(b) may have regard to the pattern of activities relating to the residential complex.

94. The offices of the Commission shall operate at times convenient to the public, including, where appropriate, evenings, statutory holidays and week-ends. Commission to operate at convenient times

MAKING OF APPLICATIONS AND
GIVING OF NOTICES

Who may
make
application

95.—(1) A person may make an application to the Commission as a landlord or as a tenant, provided he was a landlord or a tenant at the time the conduct giving rise to the application occurred.

Representa-
tive actions

(2) Where more than one person has a common interest in respect of an application to the Commission, the Commission may authorize one or more of those persons to represent all those persons and any order made by the Commission may be made applicable to all.

Form of
application

96.—(1) An application to the Commission shall be made in the prescribed form and shall be signed by the person making the application or his agent.

Where name
of occupant
not known

(2) Where an application is brought against an occupant and the name of the occupant is not known to the person bringing the application, the name of the occupant may be shown in the application as “occupant” and any proceedings may be taken against, and all orders shall be binding on, the person occupying the rental unit as if the occupant had been correctly named.

Where name
of landlord
not known

(3) Where an application is brought against a landlord and the name of the landlord is not known to the person bringing the application, the name of the landlord may be shown in the application as “landlord” and any proceedings may be taken against, and all orders shall be binding on, the landlord as if he had been correctly named.

Extension of
time for
application
or appeal

97. The Commission may, whether or not the time for making an application to, or filing a notice of appeal with, the Commission has expired and where it is of the opinion that it would not be unfair to do so, extend the time for the making of the application to, or the filing of the notice of appeal with, the Commission.

Landlord
must give
copy of
application to
tenant, etc.

98.—(1) Where a landlord makes an application to the Commission, the landlord shall promptly give a copy of the application to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Tenant must
give copy of
application to
landlord, etc.

(2) Where a tenant makes an application to the Commission, the tenant shall promptly give a copy of the application to the

landlord, and, where the application is made under section 20 (overholding sub-tenant) or 68 (tenant's obligation to repair mobile home), to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

(3) Where a person other than a landlord or a tenant makes an application to the Commission, the person making the application shall promptly give a copy of the application to the landlord and any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Other applicant must give copy of application to landlord, etc.

(4) The Commission shall, on request, give written directions concerning the giving of copies of an application, and compliance with the directions of the Commission shall be deemed to be compliance with this section.


Commission may give written directions

99.—(1) Where this Act permits or requires a notice or document to be given to a person, the notice or document is sufficiently given by,

Method of giving notice, etc.

 (a) handing it to the person, or,

(i) where the person is a landlord, to any employee of the landlord exercising authority in respect of the residential complex, or

(ii) where the person is a tenant, sub-tenant or occupant, to an apparently adult person in the rental unit; 

(b) leaving it in the mail box where mail is ordinarily delivered to the person; or

(c) sending it by mail to the address where the person resides or carries on business.

(2) Where a notice or document is given by mail, it shall be deemed to have been given on the fifth day after mailing, excluding Saturdays and holidays.

Where notice given by mail

(3) Despite the other provisions of this section, the Commission may, in writing, direct a notice or document to be given in any other manner.

Commission may give written directions

(4) Despite the other provisions of this section, a notice or document shall be deemed to have been validly given

Actual notice is sufficient

where it is proven that the contents of the notice or document actually came to the attention of the person for whom the notice or document was intended.

Parties to
application

100. The parties to an application are the person making the application, any person entitled to receive a copy of the application and any person added as a party by the Commission.

Changing
parties;
amending
applications

101. Where, in any proceedings under this Act, the Commission is of the opinion that,

(a) a person who should have been included as a party has not been included as a party or that a party has been incorrectly named, the Commission shall, unless it would be unfair to do so, require that the person be substituted or added as a party to the proceedings, or be correctly named;



(b) a person who has been included as a party should not be included as a party, the Commission shall require that the person be removed as a party to the proceedings; or



(c) an amendment to the application is justified and fair, the Commission may direct the application be amended accordingly.

PROCEDURE OF COMMISSION

Commission
to mediate

102.—(1) Where an application has been made to the Commission, other than an application under section 126 (whole building rent review), the Commission shall enquire into the matter and shall assist the parties to the proceeding in attempting to settle the matter by agreement.

Frivolous or
vexatious
applications,
etc.

(2) The Commission may refuse to accept any application or to continue any proceeding, where in its opinion, the matter is trivial, frivolous, vexatious or has not been initiated in good faith.

Withdrawing
application

(3) An applicant may withdraw an application at any time before an order is made, but where the application is made under section 126, the application may only be withdrawn with the consent of the Commission.

Decision
to hold
hearing

103.—(1) Where an application is made under section 126 or where the Commission has enquired into the matter and is of the opinion that,

(a) it is unlikely that the parties to a proceeding will be able to settle the matter by agreement; or

(b) the urgency of having the matter resolved requires that a determination be made,

the Commission shall notify the parties and hold a hearing.

(2) A hearing under subsection 1 shall be held before a Commissioner and the Commissioner may exercise any of the powers of the Commission and an order of the Commissioner shall be deemed to be the order of the Commission.

Hearing to be before one Commissioner

(3) A Commissioner is not disqualified from holding a hearing and determining a matter by reason only of the fact that,

Commissioner not disqualified by reason of mediating, etc.

(a) he attempted to assist the parties to the proceeding in settling the matter by agreement; or

(b) he took part in an inquiry or inspection related to the dispute.

104.—(1) Where several different applications have been made to the Commission, and the Commission is of the opinion that it would be appropriate to determine the issues raised by the applications together, the Commission may hear and determine the issues in dispute at a common hearing.

Issues may be heard together

(2) Where the Commission is of the opinion that it would be appropriate to deal with some of the issues raised by an application at separate hearings, the Commission may direct that some of the issues be dealt with separately and may set additional hearing dates for the determination of those issues.

Issues may be heard separately

105.—(1) *The Statutory Powers Procedure Act, 1971* applies to proceedings by the Commission in the exercise of a statutory power of decision.

Application of 1971, c. 47

(2) The giving to a party of a copy of an application to the Commission shall be deemed to be compliance with section 8 of *The Statutory Powers Procedure Act, 1971.*

Deemed compliance 1971, c. 47

106. All parties to a proceeding under this Act are entitled to examine, and the Commission shall make available for examination, all material filed with the Commission relevant to the proceeding.

Parties may examine material

Commission
to question
parties, etc.

107. At the hearing, the Commission shall question the parties who are in attendance at the hearing and any witnesses, with a view to determining the truth concerning the matters in dispute.

Commission
may
investigate, etc.

108. The Commission may, before or during a hearing,

- (a) conduct any inquiry or inspection it considers necessary; and
- (b) question any person, by telephone or otherwise, concerning the dispute.

Commission
may consider
all relevant
information

109. In making its determination, the Commission may consider any relevant information obtained by the Commission in addition to the evidence given at the hearing, provided that it first informs the parties of the additional information and gives them an opportunity to explain or refute it.

Making of
order
applied for

110.—(1) After holding a hearing, and having regard to all the circumstances, where the Commission is satisfied that one or more orders that have been applied for is justified, it shall make that order or those orders.

Making of
other orders

(2) After holding a hearing and having regard to all the circumstances, where the Commission is satisfied that another order that could have been applied for is justified, it may make that other order.

Terms and
conditions

(3) The Commission may include in any order terms and conditions it considers proper in all the circumstances.

MATTERS RELATED TO COMMISSION ORDERS

Where
unfairness
will prevent
eviction

111. Where an application has been made by a landlord for an eviction order, the Commission shall refuse to make the eviction order where the Commission is satisfied, having regard to all the circumstances, that it would be unfair to evict the tenant.

Compensation
for
overholding

112.—(1) A landlord is entitled to compensation for the use and occupation of a rental unit by a tenant after his tenancy has been terminated.

Eviction
order to include
order for
compensation
for overholding

(2) Where the Commission makes an eviction order, it shall make an order requiring the tenant to compensate the

landlord for the use and occupation of the rental unit calculated for each day the tenant remains in occupation following the termination of the tenancy.

(3) Where a landlord obtains an order under subsection 2 or section 49 requiring a tenant to compensate him for the use and occupation of the rental unit, the landlord may, within thirty days of the date the tenant ceased to occupy the rental unit, file with the Commission a copy of the order and a statement in the prescribed form setting out the number of days that the tenant remained in occupation following the termination of the tenancy, and the Commission shall calculate the final amount due under the order and shall add a statement to the order setting out the final amount, which statement shall comprise a part of the order.

Settlement
of order
for
compensation
for
overholding

(4) The acceptance by the landlord of arrears of rent or compensation for use or occupation of the rental unit after a tenancy has been terminated does not operate as a waiver of the termination or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree.

Payment
by overholding
tenant does
not
reinstate
tenancy

(5) Where a tenant does not give up occupancy of the rental unit after his tenancy has been terminated and a person brings proceedings against the landlord to enforce a right to occupy the rental unit occupied by the tenant, the tenant is liable to the landlord for any compensation that the landlord is required to pay as a result of the tenant's failure to give up occupancy, and the landlord may add the tenant as a third party in the proceedings.

Liability of
overholding
tenant

113.—(1) Where under section 29 (vital services) or 43 (failure of landlord to comply with Commission order) the Commission directs a tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord or where a tenant has paid all or part of his rent to the Commission under subsection 6 of section 28 (landlord's responsibility to repair), the Commission may pay from the rent it receives such amount as the Commission considers necessary for the following purposes:

Use of
money where
rent paid to
Commission

1. To pay the tenant for any action authorized under clause *c* of subsection 4 of section 28 or clause *c* of subsection 2 of section 67.
2. To restore, or prevent the discontinuance of, the supply of a vital service.

(2) Where the rent received by the Commission exceeds the sum of,

Excess
paid to
landlord

- (a) any amount paid under subsection 1; and

- (b) the amount that in the opinion of the Commission is necessary to ensure compliance by the landlord with an order of the Commission or a court,

the Commission shall pay the excess to the landlord.

Periodic
review of
need to
hold rent

(3) Where the Commission is holding rent to ensure compliance by the landlord with an order of the Commission or a court, the Commission shall, on the request of the landlord, or in any event not less often than once a month, review the necessity of continuing to hold the rent.

Payment of
interest to
Treasurer

(4) Interest earned on moneys held by the Commission shall be paid to the Treasurer of Ontario.

Where tenant
may deduct
compensation
from rent

114.—(1) Where the Commission makes an order requiring a landlord to compensate a tenant, the Commission may make an order that the tenant recover the compensation by deducting a specified sum from his rent for a specified number of rent payment periods.

Where
compensation
to landlord may
be paid in
instalments

(2) Where the Commission makes an order requiring a tenant to compensate a landlord, the Commission may make an order permitting the tenant to pay the compensation by paying a specified sum together with his rent for a specified number of rent payment periods.

Lump sum
payments

(3) The Commission may, on the application of the landlord or the tenant, rescind an order made under subsection 1 or 2, and may order that any compensation still owing be paid in a lump sum.

Enforcement
of order for the
payment of
money

115.—(1) A certified copy of an order of the Commission for the payment of money may be filed with the Supreme Court or with a county or district court and, on being filed, the order has the same force and effect and all proceedings may be taken on it, as if it were a judgment of that court.

Variation
of order

(2) Where an order filed under subsection 1 is rescinded or varied, upon filing in accordance with subsection 1, the order or decision rescinding or varying the order previously made,

- (a) if the order or decision rescinds the order previously made, the order previously made ceases to have effect for the purposes of subsection 1; or
- (b) if the order or decision varies the order previously made, the order previously made as so varied may

be enforced in a like manner as an order or decision filed under subsection 1.

116.—(1) An order evicting a tenant, sub-tenant or occupant may be filed with the county or district court and, on being filed, has the same force and effect and all proceedings may be taken on it, as if it were an order of that court, and the clerk of the court shall issue a writ of possession. When writ of possession may issue

(2) An employee of the Commission may be appointed as a sheriff's officer and may obtain the assistance of one or more police officers for the purpose of enforcing writs of possession. Enforcement of writ of possession

APPEALS

117.—(1) Any party to an application who took part in the hearing may, within fifteen days of receiving the decision or order of a Commissioner, appeal the decision or order by filing a notice of appeal in the prescribed form with the Commission and promptly giving a copy of the notice, Appeal from order of Commissioner

- (a) where a tenant is appealing a decision or order resulting from an application under section 126 (whole building rent review), to the landlord;
- (b) where a landlord is appealing a decision or order resulting from an application under section 126, to the tenant of each rental unit in respect of which the appeal is brought; and
- (c) in all other cases, to all other parties to the application who took part in the hearing.

(2) Despite the fact that a person did not appear at the hearing, he may apply to a member of the Board of Commissioners for permission to appeal and the member of the Board may, in his discretion, permit the person to appeal upon such terms and conditions as the member of the Board considers just. Permission to appeal

(3) The parties to the appeal are the person appealing, any person entitled to receive a copy of the notice of appeal and any person added as a party by the Commission. Parties to appeal

(4) Where a notice of appeal is filed under subsection 1, the Commissioner who made the order or decision being appealed Reasons to be given by Commissioner

shall, where he has not already done so, prepare reasons for the decision or order and give a copy of the reasons to each party to the appeal.

Findings
of fact
considered
true unless
objection
made

(5) The findings of fact set out in the reasons for the decision or order being appealed may be taken to be true unless, within seven days of the filing of the notice of appeal or receipt of a copy thereof, or within seven days of receiving the reasons, whichever is later, a party to the appeal files a statement in the prescribed form with the Commission and gives a copy of the statement to all other parties to the proceeding setting out,

- (a) the findings of fact set out in the reasons with which he disagrees; and
- (b) any facts he intends to prove at the hearing of the appeal that were not set out in the reasons.

Limitation of
evidence on
appeal

(6) At the hearing of the appeal, the introduction of evidence shall, unless the appeal panel otherwise directs, be limited to proving facts,

- (a) with which a party to the appeal has disagreed in a statement filed under subsection 5; or
- (b) which a party to the appeal has stated, in a statement filed under subsection 5, he intends to prove.

Composition
of appeal
panel

(7) The appeal shall be heard before an appeal panel composed of two Appeal Commissioners and one member of the Board of Commissioners, none of whom took part in the making of the decision or order being appealed.

Powers of
appeal panel

- (8) After the hearing of the appeal, the appeal panel may,
 - (a) affirm the decision or order of the Commissioner; or
 - (b) make any decision or order that a Commissioner is authorized to make under this Act, and for such purposes the appeal panel may substitute its opinion for that of the Commissioner.

Appeal panel
may rehear
appeal

(9) The appeal panel may decide on its own motion to rehear an appeal where in its opinion there has been a serious error, and at such rehearing, the appeal panel may confirm, rescind, amend or replace any decision or order previously made.

Order of appeal
panel deemed
order of
Commission

(10) A decision or order of the appeal panel shall be deemed to be the decision or order of the Commission.

118.—(1) Any party to an appeal under section 117 may, Appeal to Divisional Court
 on a question of law, appeal a decision or order of the Commission to the Supreme Court.

(2) An appeal under subsection 1 shall be by way of Appeal to be by stated case
 stated case and the Commission shall, after service of the notice of appeal in accordance with the rules of the Supreme Court, upon the request of the person appealing, state a case in writing to the Supreme Court setting out the material facts found by the Commission and the grounds on which the decision or order is questioned.

(3) The Commission is entitled to be heard, by counsel or Commission entitled to be heard on appeal
 otherwise, upon the argument of an appeal under this section.

(4) Where a case is stated under subsection 2, the Supreme Powers of Divisional Court
 Court shall hear and determine the appeal and may,

- (a) affirm, rescind, amend or replace the decision or order;
- (b) cause the case to be sent back to the Commission for amendment and deliver judgment after it has been amended; or
- (c) remit the matter to the Commission with the opinion of the Supreme Court,

and may make,

- (d) any other order in relation to the matter that it considers proper; and
- (e) any order, with respect to costs, that it considers proper.

119. Unless otherwise ordered by,

- (a) where an appeal is taken under section 117, a member of the Board of Commissioners; or Certain orders not stayed pending appeal
- (b) where an appeal is taken under section 118, a judge of the Supreme Court,

an appeal from an order made under any of the following provisions does not stay the order pending the hearing of the appeal:

1. Subsection 1 of section 17.
2. Subsection 2 of section 20.
3. Clause *a* of subsection 3 of section 25.
4. Clause *c* or *e* of subsection 4 of section 28.
5. Clause *a*, *d* or *e* of subsection 2 of section 29.
6. Subsection 4 of section 29.
7. Clause *a* or *d* of subsection 2 of section 30.
8. Clause *a* of subsection 3 of section 31.
9. Clause *a* or *c* of subsection 2 of section 36.
10. Clause *e* of subsection 2 of section 37.
11. Clause *a* or *d* of subsection 3 of section 38.
12. Section 39.
13. Clause *c* of subsection 2 of section 41.
14. Clause *b* of subsection 2 of section 42.
15. Section 43 or 44.
16. Clause *a* of section 49.
17. Section 50.
18. Subsection 1 of section 51.
19. Subsection 1 of section 52.
20. Section 54.
21. Section 56.
22. Subsection 3 of section 59.
23. Clause *a* of subsection 2 of section 62.
24. Clause *b* of subsection 13 of section 63.
25. Clause *a* of subsection 4 of section 64.
26. Clause *c* or *e* of subsection 2 of section 67.

PART X

MISCELLANEOUS

120. The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing, for the purposes of section 131, matters in respect of which the Commission may make findings;
- (b) exempting from Part XI rental units the monthly rental for which is \$750 or more;
- (c) prescribing fees for the purposes of section 89;
- (d) prescribing the form of assignments and subletting agreements and consents thereto;
- (e) prescribing the form of a notice of rent increase for the purposes of section 60;
- (f) prescribing the form of an inventory and of a written report for the purposes of section 63,
- (g) prescribing the form of an application to the Commission;
- (h) prescribing the form of a notice of appeal for the purposes of subsection 1 of section 117;
- (i) prescribing the form of a statement for the purposes of subsection 5 of section 117;
- (j) prescribing the form of a statement for the purposes of subsection 3 of section 112;
- (k) prescribing anything that by this Act may be prescribed.

121. Substantial compliance with the requirements of this Act respecting the contents of forms, notices or documents is sufficient unless the Commission is of the opinion that it would result in unfairness to any person.


Substantial compliance with forms, etc., sufficient

122. Any person may, without let or hindrance, organize or participate in an association the purpose of which is to secure and enforce the rights established by this Act.

Right to organize or participate in association

123.—(1) Any person who,

- (a) knowingly fails to obey an order of the Commission;
- (b) knowingly furnishes false information in any application, report or statement to the Commission under this Act or in any proceedings before the Commission;
- (c) knowingly breaches an obligation imposed upon him by subsection 1 or 2 of section 25 (changing of locks), subsection 1 of section 26 (right to privacy), subsection 1 of section 29 (withholding vital services), subsection 1 of section 31 (seizure of tenant's property), subsection 1 of section 32 (posting notice of legal name of landlord), subsection 1 or 2 of section 35 (entry of political canvassers); or
- (d) harasses a tenant for the purpose of forcing the tenant to vacate or abandon a rental unit,

and every director or officer of a corporation who knowingly concurs in the prohibited act is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000. 

Where
corporation
convicted

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000, and not as provided therein.


PART XI

RENT REVIEW

Only one
rent increase
per year

124. The rent charged for a rental unit shall not be increased more often than once in any twelve-month period.

Maximum
permitted
rent increase
without
application

125. Unless otherwise authorized under this Act, no landlord shall increase the rent charged for a rental unit by more than 6 per cent of the last rent that was charged for an equivalent rental period. 

Application
by landlord

126.—(1) Where a landlord desires to increase the rent charged for a rental unit by more than the percentage referred to in section 125, he may apply to the Commission for an order permitting him to do so, whether or not the rental unit is the subject of a tenancy agreement at the time of application.

(2) When the landlord applies to the Commission for an order under subsection 1, he shall, as part of the same application, apply for a determination of the rents that may be charged for all of the rental units in the residential complex in which the units are situate when such units are rented or re-rented during the twelve-month period following the effective date of the first rent increase applied for, whether or not those units are the subject of tenancy agreements at the time of application.

Whole
building
review

(3) An application under this section shall state the reasons for the intended increases and shall be made not less than sixty days before the effective date of the first intended rent increase that exceeds the percentage referred to in section 125.

Reasons for
and time of
application

(4) Where an application is made under this section, the landlord shall, not later than fourteen days before the date of the hearing of the application, file with the Commission all the material on which he intends to rely in support of his application, but the Commission may direct the landlord to file additional material and the hearing shall not commence or proceed until the other parties have had an opportunity to examine the additional material.

Filing of
material

127.—(1) A tenant who desires to dispute any intended rent increase for his rental unit may apply to the Commission for an order requiring the landlord to reduce the amount of the rent increase.

Application
by tenant

(2) Subsection 1 does not apply to a rent increase that results in a rent not exceeding the maximum approved by the Commission for the applicable rental unit.

Exception

(3) An application under this section shall be made not less than sixty days before the effective date of the intended rent increase.

Time for
application

128. Where a rental unit that has not been rented during the previous twelve-month period then becomes rented, the rent then charged shall form the basis for determining whether subsequent rent increases exceed the percentage referred to in section 125, provided that the rent charged is comparable to the average rent charged for similar rental units in the residential complex.

Where vacant
unit becomes
rented

129.—(1) No tenant is liable to pay any rent increase in excess of that permitted to be charged under this Part.

Tenant not
liable to pay
illegal rent
increase

(2) Where, on the application of a tenant, the Commission determines that the tenant has paid an amount of rent that

Remedy

1975.
(2nd Sess.)
c. 12

is in excess of that permitted by this Part or by *The Residential Premises Rent Review Act, 1975 (2nd Session)*, the Commission shall order that the landlord pay the excess to the tenant and shall declare the rent that may lawfully be charged.

Commission
may hear
application
under s. 126
although
notice of
rent increase
not yet given

130. Where under section 126 a landlord applies to the Commission for a determination of the rents that may be charged for all rental units in a residential complex, the Commission is empowered to hear the application and to determine the rent that may be charged for each rental unit despite the fact the landlord may not have, in respect of any rental unit, given notice under section 60 (notice of rent increase), but nothing in this section relieves the landlord from compliance with section 60.

Commission
determination
of total
rent increase

131.—(1) Where an application is made by a landlord under section 126, the Commission shall determine the total rent increase for the residential complex that is justified by,

- (a) the findings of the Commission concerning operating costs, financing costs and capital expenditures that the landlord has experienced or will experience in respect of the residential complex;
- (b) the findings of the Commission concerning a financial loss that the landlord has experienced or will experience in respect of the residential complex;
- (c) the findings of the Commission concerning an improvement or deterioration in the standard of maintenance and repair of the residential complex or any rental unit located therein;
- (d) the findings of the Commission concerning matters prescribed by the regulations.

Limitation on
consideration
of financing
costs

(2) In reaching its findings concerning financing costs under clause *a* of subsection 1, the Commission shall consider increases in financing costs resulting from the landlord's purchase of the residential complex only to the extent necessary to prevent a financial loss by the landlord.

Relief of
hardship

(3) When the total rent increase for the residential complex has been determined under subsection 1, if the resulting gross revenue does not exceed the costs found under clause *a* of subsection 1 by at least 2 per cent, the Commission may, where it considers it necessary to relieve the landlord from hardship, allow the landlord the additional revenue required to raise the gross revenue to not more than 2 per cent above the costs found.

(4) In apportioning the total rent increase determined under subsections 1 and 3 amongst the rental units in the residential complex, the Commission may take into account the following matters:

Apportionment
of total rent
increase

1. The rent schedule proposed by the landlord in his application.
2. Variations, and the reasons therefor, in the rents being charged by the landlord for similar rental units within the residential complex.
3. Rents and variations in the rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.

(5) Where the Commission has determined and apportioned the total rent increase under this section,

Order setting
maximum
rent chargeable
for each unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for each rental unit that is under review and the date the rents may take effect; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Commission in setting the maximum rent for a rental unit.

132.—(1) Where an application is made by a tenant under section 127, in determining a rent increase for the rental unit, the Commission shall, except where there has been an application under section 126 (whole building rent review), consider only the following matters:

Considerations
where tenant
applies

1. Variations, and the reasons therefor, in the rents being charged by the landlord for similar rental units within the residential complex.
2. Rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.
3. An improvement or deterioration shown to have occurred in the standard of maintenance and repair that affects the rental unit.

(2) Where the Commission has made a determination on the application,

Order setting
maximum
rent chargeable
for the unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for the rental unit under review; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Commission setting the maximum rent for the rental unit.

Rent
chargeable
until order
takes effect

133. Where a notice of an intended rent increase has been given under section 60, a rent increase up to the lesser of,

- (a) the intended rent increase specified in the notice; and
- (b) the limit imposed by section 125,

may be charged and collected by the landlord until such time as the Commission's order setting the maximum rent that may be charged for the rental unit takes effect.

Exemptions

134.—(1) The following rental units are exempt from this Part:

- (a) a rental unit situate in a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof;

- (b) a rental unit situate in a non-profit housing project, rents for which are subject to the approval of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof, or situate in a non-profit co-operative housing project as defined in the *National Housing Act* (Canada);

R.S.C. 1970,
c. N-10

- (c) a rental unit situate in a building, no part of which was occupied as a rental unit before the 1st day of January, 1976;

- (d) a rental unit that is a mobile home or mobile home site that was not occupied as a rental unit before the 1st day of January, 1976;

- (e) a rental unit the monthly rental for which is \$750 or more, if the Lieutenant Governor in Council has,

by regulation made after the 31st day of December, 1979, exempted such premises from the provisions of this Part;

(f) a rental unit not otherwise exempt from this Act that is provided by an educational institution to a student or member of its staff except that, where there is a council or association representing the residents, the exemption does not apply in respect of a rent increase unless there has been consultation with the council or association respecting the increase;

(g) a rental unit situate in a residential complex owned, operated or administered by a religious institution for a charitable use on a non-profit basis.

(2) This Part does not apply to a rent increase to a tenant in subsidized public housing who is occupying a rental unit other than a unit referred to in clause *a* or *b* of subsection 1, but this Part does apply to the unit itself.

(3) Where a landlord, by reason of the existence of depressed economic conditions in a local municipality, designated by order of the Minister, reduces a tenant's rent, and thereafter, not sooner than twelve months after the reduction took effect, desires to increase the rent, the landlord may increase the rent to,

(a) the maximum rent that could have been charged by the landlord for the rental unit at the date of the intended increase without applying to the Commission under section 126 had the rent not been decreased; or

(b) the current maximum rent previously established by the Commission on an application made under section 126.

PART XII

REPEALING AND TRANSITIONAL

135.—(1) The title to *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Commercial Tenancies Act

(2) Clause *c* of section 1 of the said Act, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 13, section 1, is repealed.

R.S.O. 1970,
c. 236, s. 2,
re-enacted

(3) Section 2 of the said Act is repealed and the following substituted therefor.

Application
1979, c. ...

2. This Act does not apply to tenancies and tenancy agreements to which *The Residential Tenancies Act, 1979*, applies.

Pt. IV
(ss. 81-116),
repealed

(4) Part IV of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, and 1975 (2nd Session) chapter 13, sections 2 to 4, subsection 1 of section 5 and sections 6 to 10, is repealed.

R.S.O. 1970,
c. 223,
s. 2,
amended

136.—(1) Section 2 of *The Innkeepers Act*, being chapter 223 of the Revised Statutes of Ontario, 1970, is amended by striking out “boarding-house keeper or lodging-house keeper”, “boarder or lodger” and “boarding house or lodging house” where those expressions occur.

s. 3,
amended

(2) Section 3 of the said Act is amended by striking out “boarding-house keeper, lodging-house keeper” and “boarding house, lodging house” where those expressions occur.

s. 7,
amended

(3) Section 7 of the said Act is amended by striking out “lodging-house keeper or boarding-house keeper” where that expression occurs.

Notice
of rent
increase

137. For a period of six months following the day section 60 of this Act comes into force, a notice that before the repeal of Part IV of *The Landlord and Tenant Act* would have complied with subsection 1 of section 115 of that Act, shall be deemed to be sufficient notice for the purposes of subsection 1 of section 60 of this Act.

Application
of Part XI

138. Part XI applies only to applications made in respect of rent increases intended to take effect on and after the 1st of December, 1979.

Transitional
on repeal of
R.S.O. 1970,
c. 236,
Part IV

139.—(1) Where, before the day the repeal of Part IV of *The Landlord and Tenant Act* takes effect,

(a) circumstances arise that give grounds for making an application under Part IV of *The Landlord and Tenant Act*; or

(b) an application is made under Part IV of *The Landlord and Tenant Act*,

then despite the repeal of Part IV by section 135 of this Act, Part IV of that Act continues in force for the purposes of and applies to,

(c) making an application in the case mentioned in clause *a* and hearing and making orders in respect of that application or in respect of an application mentioned in clause *b*, and appeals from such orders; and

(d) enforcing orders made under Part IV of that Act,

and Parts I to X of this Act do not apply to applications made or entitled to be made under Part IV of *The Landlord and Tenant Act* by reason of this section.

(2) This Act applies to tenancies under tenancy agreements entered into or renewed before and subsisting on the day this Act comes into force or entered into on or after that day. Application to existing tenancies

140. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

141. The short title of this Act is *The Residential Tenancies Act, 1979*. Short title

SCHEDULE

STANDARD RESIDENTIAL
TENANCY AGREEMENT

INSTRUCTIONS FOR LANDLORD AND TENANT

IF YOU HAVE ANY QUESTIONS CONCERNING THIS TENANCY AGREEMENT OR YOUR RIGHTS AND OBLIGATIONS UNDER *THE RESIDENTIAL TENANCIES ACT, 1979*, YOU ARE INVITED TO ASK THE RESIDENTIAL TENANCY COMMISSION FOR ASSISTANCE. THE COMMISSION HAS BEEN ESTABLISHED TO ADVISE AND ASSIST THE PUBLIC ON ALL RESIDENTIAL TENANCY MATTERS. IN ADDITION, THE COMMISSION HAS POWER TO MEDIATE AND DECIDE DISPUTES BETWEEN LANDLORDS AND TENANTS.

This is the Standard Residential Tenancy Agreement, established under *The Residential Tenancies Act, 1979*. This agreement is applicable to all residential tenancies in Ontario.

The agreement must be signed by both the landlord and the tenant, or their agents.

Two copies of the agreement must be completed, one of which is to be given to the tenant.

No part of the tenancy agreement may be altered or deleted, but additional benefits and obligations may be added.

TENANCY AGREEMENT

This tenancy agreement is made between:

_____, the landlord
Name

Address

Telephone

— and —

Name(s)

_____, the tenant.

Rental
Unit

1. The landlord will rent to the tenant and the tenant will rent from the landlord the following rental unit:

Apt. No. Street Name and Number

(or other
appropriate
description)

City, Town, etc.

Postal Code

2. COMPLETE EITHER (a) OR (b) AND CHECK (✓) Nature and Duration of Tenancy
WHICH IS APPLICABLE:

☐ (a) The tenancy is for a fixed term beginning on the _____ day of _____, 19____ and ending on the _____ day of _____, 19____. (The tenancy will then automatically renew as a monthly tenancy unless terminated under *The Residential Tenancies Act, 1979*);

☐ (b) The tenancy is periodic (e.g. weekly, monthly, etc.) beginning on the _____ day of _____, 19____ and running from _____ (week to week, month to _____ month, etc., as the case may be)

3. (a) The rent for the rental unit is \$_____ per _____ Rent (week, month, _____, payable in advance etc., as the case may be) for the duration of the tenancy. The first payment is \$_____ (pro-rated as necessary) and thereafter \$_____ per _____, payable on the (week, month, etc., as the case may be) _____ day of every _____ (week, month, etc., as the case may be) Rent payments are to be made to _____ (Name and address _____ where payment to be made)

(b) The rent mentioned above includes payment for all services and facilities (e.g. parking, utilities, appliances, etc.) promised by the landlord, including:

Provision of the following services and facilities is the responsibility of the tenant: _____

Rent
Deposit

4. THIS PROVISION IS OPTIONAL. CHECK THE BOX
(✓) IF THE PROVISION IS TO APPLY: ☐

(a) The tenant agrees to pay the landlord a rent deposit

in the amount of \$ ———, which will be applied only
in payment of rent for the period immediately
preceding the termination of the tenancy.

(b) The landlord will pay annually to the tenant interest
on the rent deposit at the rate of 9 per cent per year.

The interest will be paid on —————
of each year. (Insert date)

Residential
Tenancies
Act

5. The landlord and the tenant promise to comply with all
obligations imposed on them by *The Residential Tenancies
Act, 1979*.

Additional
Obligations

6. The landlord and the tenant promise to comply with any
additional obligations set out below.

(NOTE: *Additional benefits and obligations cannot conflict
with The Residential Tenancies Act, 1979, and where an
obligation concerns the tenant's use, occupancy or maintenance
of the rental unit or residential complex or use of services and
facilities provided by the landlord, the obligation cannot be
enforced unless it is reasonable in all the circumstances*).

Reasonable
Rules

7. The tenant promises to comply with the rules concerning
the tenant's use, occupancy or maintenance of the rental
unit or residential complex or use of services and facilities
provided by the landlord that are set out below and as may,
from time to time, be established or modified by the
landlord, provided that the rules are in writing, made
known to the tenant and reasonable in all the circumstances.

Signature of Landlord or authorized agent

Date

Signature of Tenant(s)

With regard to paragraphs 6 and 7 of this tenancy agreement, the landlord and tenant are referred to section 6 of *The Residential Tenancies Act, 1979* which provides :

6.—(1) In addition to the benefits and obligations contained in the form of tenancy agreement set out in the Schedule, a landlord and tenant may provide in a written tenancy agreement for other benefits and obligations which do not conflict with this Act, but where an obligation concerns the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord, the obligation cannot be enforced unless it is reasonable in all the circumstances.

Additions
to standard
form

(2) A landlord shall not establish or modify, nor can he enforce, rules concerning the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord unless they are in writing, made known to the tenant and reasonable in all the circumstances.

House
rules to be
reasonable

(3) Unless shown to be otherwise, for the purposes of this section, a rule or obligation is reasonable where it is,

Where rule
reasonable

(a) intended to,

(i) promote fair distribution of services and facilities to the occupants of the residential complex,

(ii) promote the safety or welfare of persons working or residing in the residential complex, or

(iii) protect the landlord's property from abuse;

(b) reasonably related to the purpose for which it is intended;

(c) applicable to all tenants in a fair manner; and

(d) sufficiently clear in its prohibition, direction or limitation of the tenant's conduct to inform him of what he must do or must not do in order to comply with it.

Determination
of
reasonableness

(4) A landlord or a tenant may apply to the Commission to determine whether a rule or obligation is reasonable in all the circumstances.

Where
compliance
order not to
issue

(5) Where the Commission determines that the tenant has breached the obligation imposed by subsection 1 of section 40 (compliance with additional obligations), no order shall be made under clause *a* or *b* of subsection 4 of section 40 unless the Commission is of the opinion that the breach has resulted in damage beyond ordinary wear and tear to the rental unit or residential complex or unreasonable interference with,

(*a*) the safety; or

(*b*) the enjoyment for all usual purposes by the landlord or any tenant or members of their households,

of the residential complex or any rental unit.



An Act to reform the Law
respecting Residential Tenancies

1st Reading

March 6th, 1979

2nd Reading

March 6th, 1979

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Reprinted as amended by the
General Government Committee)

6
BILL 163

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to reform the Law
respecting Residential Tenancies**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



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BILL 163

1979

An Act to reform the Law respecting Residential Tenancies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “benefits and obligations” includes all benefits and obligations, regardless of whether they touch and concern the land and regardless of whether they relate to things that were in existence at the time the tenancy agreement was made;
- (b) “caretaker’s unit” means a rental unit used by a person employed as a caretaker, janitor, manager, watchman, security guard or superintendent in respect of the residential complex in which the rental unit is situated;
- (c) “Commission” means the Residential Tenancy Commission established under Part VIII;
- (d) “landlord” includes the owner, or other person permitting occupancy of a rental unit, and his heirs, assigns, personal representatives and successors in title and a person, other than a tenant occupying the rental unit, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;
- (e) “mail” means first-class, registered or certified mail;

- (f) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (g) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (h) "mobile home park" means the rental units, and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord, where two or more occupied mobile homes are located for a period of sixty days or more;
- (i) "non-profit co-operative housing corporation" means a corporation incorporated without share capital under *The Co-operative Corporations Act, 1973* or any predecessor thereof or under similar legislation of Canada or any province, the main purpose and activity of which is the provision of housing for its members, and the charter or by-laws of which provide that,
 - (i) its activities shall be carried on without the purpose of gain for its members,
 - (ii) on dissolution, its property after payment of its debts and liabilities shall be distributed to non-profit or charitable organizations,
 - (iii) housing charges, other charges similar to rent, or any other charges payable by members are decided by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and
 - (iv) termination of occupancy rights may be brought about only by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and that the member whose occupancy rights are terminated has a right to appear and make representations prior to such vote;
- (j) "prescribed" means prescribed by the regulations made under this Act;

- (k) "rent" includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant to a landlord or his agent for the right to occupy a rental unit and for any services and facilities, privilege, accommodation or thing that the landlord provides for the tenant in respect of his occupancy of the rental unit, whether or not a separate charge is made for such services and facilities, privilege, accommodation or thing;
- (l) "rent deposit" means a security deposit that section 9 does not prohibit a landlord from requiring or receiving;
- (m) "rental unit" means any living accommodation or site for a mobile home used or intended for use as rented residential premises and includes a room in a boarding house or lodging house;
- (n) "residential complex" means a building, related group of buildings or mobile home park, in which one or more rental units are located and includes all common areas, services and facilities available for the use of residents of the building, buildings or park;
- (o) "security deposit" means money or any property or right paid or given by a tenant to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;
- (p) "services and facilities" includes,
 - (i) furniture, appliances and furnishings,
 - (ii) parking and related facilities,
 - (iii) laundry facilities,
 - (iv) elevator facilities,
 - (v) common recreational facilities,
 - (vi) garbage facilities and related services,
 - (vii) cleaning or maintenance services,
 - (viii) storage facilities,
 - (ix) intercom systems,

- (x) cablevision facilities,
- (xi) heating facilities or services,
- (xii) air-conditioning facilities,
- (xiii) utilities and related services,
- (xiv) security services or facilities;

(q) "subsidized public housing" means a rental unit rented to persons or families of low or modest income at reduced rents by reason of public funding provided by the Government of Canada, Ontario or a municipality, including a regional, district or metropolitan municipality, or by any agency thereof, pursuant to the *National Housing Act* (Canada), *The Housing Development Act* or *The Ontario Housing Corporation Act*, and where the amount of the reduced rent is determined by the income of the tenant;

(r) "tenancy agreement" means an agreement between a landlord and a tenant for occupancy of a rental unit, whether written, oral or implied;

(s) "tenant" means a person who pays rent in return for the right to occupy a rental unit and his heirs, assigns and personal representatives and a sub-tenant is a tenant of the person giving the sub-tenant the right to occupy the rental unit.

Idem

(2) For the purposes of this Act, a tenant has vacated the rental unit and the residential complex where the tenancy has been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or
- (b) the tenant does not ordinarily live in the rental unit, and the rent he has paid, including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

Idem

(3) For the purposes of this Act, a tenant has abandoned the rental unit and the residential complex where the tenancy has not been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or

- (b) the tenant does not ordinarily live in the rental unit, has not expressed an intention to resume living in the rental unit, and the rent he has paid, including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

2.—(1) This Act applies to rental units in residential complexes and to tenancy agreements, despite any other Act and despite any agreement or waiver to the contrary.

Application
of Act

(2) Where a provision of this Act conflicts with a provision of any other Act, other than *The Condominium Act, 1978*, 1978, c. 84 the provision of this Act applies.

Conflict

3. This Act is binding on the Crown.

Act binds
Crown

4. This Act does not apply to,

Exemptions
from Act

- (a) transient living accommodation provided in a hotel, motel, inn, tourist home, hostel or other similar accommodation;
- (b) living accommodation occupied as a vacation home for a seasonal or temporary period;
- (c) living accommodation, whether situate on or off a farm, where occupancy of the premises is conditional upon the occupant continuing to be employed on the farm;
- (d) living accommodation provided by a non-profit co-operative housing corporation to its members;
- (e) living accommodation occupied by a person for penal, correctional, rehabilitative or therapeutic purposes or for the purpose of receiving care;
- (f) living accommodation established to temporarily shelter persons in need;
- (g) living accommodation provided in connection with the purposes for which the institution is established by a hospital, a nursing home or a home for the aged;
- (h) living accommodation provided by an educational institution to its students or staff where,
 - (i) the living accommodation is provided primarily to persons under the age of majority, or

- (ii) all major questions related to the living accommodation are decided after consultation with a council or association representing the residents,

unless the living accommodation has its own self-contained bathroom and kitchen facilities and is intended for year-round occupation by full-time students or staff and members of their households;

- (i) living accommodation situate in a building or project used in whole or in part for non-residential purposes where the occupancy of the living accommodation is necessarily connected with the employment of the occupant in, or the performance by him of services related to, a non-residential business or enterprise carried on in the building or project.
- (j) premises occupied for business or agricultural purposes with living accommodation attached under a single lease unless the person occupying the living accommodation is a person other than the person occupying the premises for business or agricultural purposes, in which case the living accommodation shall be deemed to be a rental unit.

PART I

TENANCY AGREEMENTS

Agreement may be oral, written or implied

5.—(1) A tenancy agreement may be made orally or in writing or may be implied.

Term of oral or implied agreement

(2) An oral or implied tenancy agreement for a term or period greater than one year shall be deemed to be a tenancy agreement for one year only.

Standard form of agreement

(3) A written tenancy agreement shall be in the form set out in the Schedule hereto and shall be signed by the parties or their agents.

Where tenancy agreement deemed to be in writing

(4) A tenancy agreement shall be deemed to be in writing where it has been signed by one party or his agent, given to the other party or his agent, and thereafter the tenant is permitted by the landlord to take occupancy of the rental unit.

Agreement deemed to include provisions of standard form

(5) Every tenancy agreement not in the form set out in the Schedule shall be deemed to include the provisions of the form set out in the Schedule and any provision of the

tenancy agreement that is inconsistent with the provisions of the form set out in the Schedule or this Act is void.

(6) *The Short Forms of Leases Act* does not apply to tenancy agreements made under this Act.

Non-application of R.S.O. 1970, c. 436

(7) The term or period of a tenancy shall be measured from the date the tenant is entitled to occupy the rental unit under the tenancy agreement.

Commencement of tenancy

(8) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for the commencement of the term or period regardless of whether the tenant has occupied the rental unit.

Agreements take effect without occupancy

(9) Where, on the application of a tenant, the Commission determines that the tenant was not permitted to occupy the rental unit in accordance with the tenancy agreement, the Commission may make an order requiring the landlord to compensate the tenant for loss suffered as a result of not being permitted to occupy the unit, but nothing in this subsection prevents the tenant from applying to a county or district court or to the Supreme Court for specific performance of the tenancy agreement.

Remedy where occupancy not given

6.—(1) In addition to the benefits and obligations contained in the form of tenancy agreement set out in the Schedule, a landlord and tenant may provide in a written tenancy agreement for other benefits and obligations which do not conflict with this Act, but where an obligation concerns the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord, the obligation cannot be enforced unless it is reasonable in all the circumstances.

Additions to standard form

(2) A landlord shall not establish or modify, nor can he enforce, rules concerning the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord unless they are in writing, made known to the tenant and reasonable in all the circumstances.

House rules to be reasonable

(3) Unless shown to be otherwise, for the purposes of this section, a rule or obligation is reasonable where it is,

Where rule reasonable

(a) intended to,

- (i) promote fair distribution of services and facilities to the occupants of the residential complex,

(ii) promote the safety or welfare of persons working or residing in the residential complex, or

(iii) protect the landlord's property from abuse;

(b) reasonably related to the purpose for which it is intended;

(c) applicable to all tenants in a fair manner; and

(d) sufficiently clear in its prohibition, direction or limitation of the tenant's conduct to inform him of what he must do or must not do in order to comply with it.

Determination
of
reasonableness

(4) A landlord or a tenant may apply to the Commission to determine whether a rule or obligation is reasonable in all the circumstances.

Where
compliance
order not to
issue

(5) Where the Commission determines that the tenant has breached the obligation imposed by subsection 1 of section 40 (compliance with additional obligations), no order shall be made under clause *a* or *b* of subsection 4 of section 40 unless the Commission is of the opinion that the breach has resulted in damage beyond ordinary wear and tear to the rental unit or residential complex or unreasonable interference with,

(a) the safety; or

(b) the enjoyment for all usual purposes by the landlord or any tenant or members of their households,

of the residential complex or any rental unit.

Accelerated
rent
prohibited

7.—(1) A tenancy agreement shall not contain any provision to the effect that a breach of the tenant's obligations under the tenancy agreement or this Act results in the whole or any part of the remaining rent becoming due and payable, or results in a specific sum becoming due and payable, and any provision of this kind is void.

Remedy
where
accelerated
rent paid

(2) Where, on the application of a tenant, the Commission determines that any moneys that the tenant has paid to the landlord have been paid under a provision in the tenancy agreement that is void under subsection 1, the Commission shall make an order requiring the landlord to repay to the tenant the moneys so paid.

8.—(1) Where a prospective tenant, at the request of a landlord, signs a document, the tenant is entitled to retain a copy of the document that he has signed.

Tenant
entitled to
retain copy
of signed
document

(2) Where a tenancy agreement is in writing, the landlord shall ensure that a copy of the agreement, signed by the landlord and the tenant, is given to the tenant within twenty-one days after it has been signed by the tenant and given to the landlord.

Delivery
of copy
of tenancy
agreement

(3) Where the copy of the tenancy agreement is not given to the tenant in accordance with subsection 2 then, until the copy is given to the tenant,

Failure to
deliver
copy of
agreement

(a) the landlord's right to enforce the tenant's obligation to pay rent is postponed; and

(b) any obligations of the tenant in addition to those contained in the form of tenancy agreement set out in the Schedule do not apply.

9.—(1) A landlord shall not require or receive a security deposit from a tenant other than,

Security
deposits

(a) in the case of a weekly tenancy, the rent for a period not exceeding one week; or

(b) in the case of a tenancy other than a weekly tenancy, the rent for a period not exceeding one month,

which shall be applied only in payment of the rent for the period immediately preceding the termination of the tenancy.

(2) Subject to subsection 3, a rent deposit may be required only at the commencement of the tenancy.

When rent
deposit may
be required

(3) Where there has been a lawful rent increase, a landlord may require the tenant to pay, as an addition to the rent deposit, the amount necessary to increase the deposit to a sum not exceeding the new rent for the period to which the deposit is applicable.

Where rent
increased

(4) A landlord shall pay annually to the tenant interest on the rent deposit at the rate of 9 per cent per year.

Interest

(5) Where, on the application of a landlord or a tenant, the Commission determines that any sum of money is payable under this section or that a sum of money has been paid

Remedies

in excess of that permitted, the Commission may make an order requiring the payment of money in accordance with its determination.

Additional
charges
prohibited

10.—(1) A landlord shall not require or receive from a prospective tenant any payment, except rent, in respect of the granting of a tenancy, but nothing in this section prevents a landlord from charging a tenant or prospective tenant for improvements to the rental unit requested by the tenant or prospective tenant where the improvements would not ordinarily be the responsibility of the landlord and any charge for the requested improvements shall be deemed not to be a rent increase under this Act.

Remedy

(2) Where, on the application of a tenant or prospective tenant, the Commission determines that the tenant or prospective tenant has made any payment prohibited by subsection 1, the Commission may make an order requiring the landlord to return the payment to the tenant or prospective tenant.

Post-dated
cheques

11.—(1) A landlord or a tenancy agreement shall not require the delivery of any post-dated cheque or other negotiable instrument to be used for payment of rent.

Credit cards

(2) A landlord shall not require or accept the payment of rent by means of a credit card.

Permission
to breach
obligation

12. Express permission to breach, or the failure to enforce, an obligation under a tenancy agreement or this Act does not prevent the enforcement of the obligation where another breach occurs.

Application of
R.S.O. 1970,
c. 236

13. To the extent that they are consistent with this Act, sections 38 and 39 of *The Commercial Tenancies Act* (which concern the effects of a tenant's bankruptcy) apply to rental units and tenancy agreements under this Act.

PART II

CHANGE OF LANDLORD OR TENANT

GENERAL

Change of
landlord,
benefits and
obligations
continue

14. Where there has been a change of landlord, all benefits and obligations arising under this Act, and any additional benefits and obligations arising under a written tenancy agreement, bind the new landlord.

Change
of tenant,
benefits and
obligations
continue

15. Where there has been an assignment of a tenancy agreement by a tenant, all benefits and obligations arising

under this Act, and any additional benefits and obligations arising under a written tenancy agreement, bind the new tenant.

ASSIGNMENT AND SUBLETTING

16.—(1) A tenant may, subject to subsection 2, transfer his right to occupy the rental unit to another person, but the transfer may only be one of the following types: Right to assign or sublet

1. Where the tenant does not intend to return to the rental unit, he may give up all his interest in the rental unit to the other person, in which case the transfer shall be called an assignment.
2. Where the tenant intends to return to the rental unit, he may give the right to occupy the rental unit to the other person for a term ending on a specified date before the end of the tenant's term or period and provide that the tenant will resume occupancy on that date, in which case the transfer shall be called a subletting.

(2) An assignment or subletting is not valid unless, Consent

- (a) the landlord has given his written consent, which consent shall not be unreasonably withheld; or
- (b) the Commission has made an order permitting the assignment or subletting to be made without the landlord's written consent.

(3) A landlord shall not make any charge for giving the consent referred to in clause *a* of subsection 2 except a sum to compensate the landlord for his reasonable expenses arising from the assignment or subletting, not exceeding \$50. Charge for consent

(4) Consent to assign or consent to sublet shall be in the prescribed form and shall be signed by the landlord or his agent. Form of consent

(5) An assignment shall be in the prescribed form and shall be signed by the tenant and the new tenant or their agents and, where there is a written tenancy agreement, a copy shall be attached. Form of assignment

(6) A subletting agreement shall be in the prescribed form and shall be signed by the tenant and the sub-tenant or their Form of subletting agreement

agents and, where there is a written tenancy agreement, a copy shall be attached.

When
assignment
or subletting
takes effect

(7) An assignment or subletting takes effect on the date the new tenant or sub-tenant is entitled to occupancy.

Subsidized
public
housing

(8) Subsection 1 does not apply to a tenant of subsidized public housing.

Remedies

(9) Where, on the application of a landlord or a tenant, the Commission determines any question arising under this section, the Commission may make an order,

(a) where the landlord has unreasonably withheld his consent, permitting the assignment or subletting to be made without the landlord's written consent; or

(b) directing the payment of any moneys that are payable by one to the other.

Improper
assignment
or subletting:
remedy

17.—(1) Where, on the application of a landlord brought within sixty days of his learning of a transfer of occupancy, the Commission determines that there has been a transfer of occupancy that does not comply with, or is not permitted by, section 16, the Commission may make an order evicting the occupant on the earliest reasonable date.

Deemed
valid
assignment

(2) Where the landlord has not applied under subsection 1, the transfer of occupancy shall be deemed to have been a valid assignment from the time the new tenant first occupied the rental unit.

Delivery
of copy of
tenancy
agreement

(3) Where a transfer of occupancy has been deemed to be an assignment, the new tenant shall be entitled to demand a copy of the written tenancy agreement, if any, that is applicable to the rental unit.

Failure to
deliver copy
of
agreement

(4) Where a copy of the applicable written tenancy agreement is not given to the new tenant within twenty-one days of the new tenant's demand for it, then, until the copy is given to the new tenant or until the landlord has offered to enter into a new tenancy agreement with him,

(a) the landlord's right to enforce the new tenant's obligation to pay rent is postponed; and

(b) any obligations of the new tenant in addition to those contained in the form of tenancy agreement set out in the Schedule do not apply.

18. Where there has been an assignment under this Act, Consequences of assignment

- (a) the new tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period after the assignment, whether or not the breach began before the assignment;
- (b) the former tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period before the assignment;
- (c) the new tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period after the assignment, whether or not the breach began before the assignment;
- (d) the former tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period before the assignment; and
- (e) where the former tenant has started a proceeding under this Act before the assignment, and the benefits or obligations of the new tenant may be affected, the new tenant is entitled to join in or continue the proceeding.

19. Where there has been a subletting under section 16, Consequences of subletting

- (a) the tenant remains entitled to the benefits, and is liable to the landlord for the breaches of the tenant's obligations, under the tenancy agreement or this Act during the term of the subletting;
- (b) the sub-tenant is entitled to the benefits, and is liable to the tenant for the breaches of the sub-tenant's obligations, under the subletting agreement or this Act during the term of the subletting.

20.—(1) A sub-tenant has no right to occupy the rental unit after the end of the term of the subletting. When sub-tenant must vacate

(2) Where, on the application of a tenant or a landlord, the Commission determines that a sub-tenant has continued to occupy the rental unit after the end of the term of the Remedy against overholding sub-tenant

subletting, the Commission may make an order evicting the sub-tenant on the earliest reasonable date.

Deemed
valid
assignment

(3) Where a tenant or a landlord has not applied under subsection 2 within sixty days after the end of the term of the subletting and the sub-tenant has continued to occupy the rental unit, a valid assignment to the sub-tenant shall be deemed to have taken place on the date the sub-tenant first occupied the unit under the subletting agreement.

CHANGE OF LANDLORD

Landlord's
right to sell,
mortgage, etc.

21.—(1) No sale, mortgage or other dealing with the landlord's interest in the residential complex depends for its validity on the acceptance of the transaction by the tenants of the residential complex.

Person to
whom rent
is payable

(2) A tenant may continue, without prejudice, to pay rent to his landlord until he has received written notice that another person has acquired the landlord's right to possession of the residential complex and is attempting to enforce any of the rights of the landlord under the tenancy agreement or this Act, including the right to collect rent.

Where
tenant
uncertain

(3) Where a tenant is uncertain about who is entitled to be paid the rent, he may request the Commission to enquire into the matter and where the Commission is unable to ascertain the person entitled to the rent, the Commission may direct the tenant to pay his rent to the Commission until the person entitled to the rent is determined, at which time the rent shall be paid to that person.

Consequences
of change of
landlord

22. Where there has been a change of landlord,

- (a) the new landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period after the change of landlord, whether or not the breach began before the change of landlord;
- (b) the former landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period before the change of landlord;
- (c) the new landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach

of obligation relates to the period after the change of landlord, whether or not the breach began before the change of landlord;

- (d) the former landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach of obligation relates to the period before the change of landlord; and
- (e) where the former landlord has started a proceeding under this Act before the change of landlord, and the benefits or obligations of the new landlord may be affected, the new landlord is entitled to join in or continue the proceeding.

PART III

BENEFITS AND OBLIGATIONS

SECURITY OF TENURE

23.—(1) A tenancy may not be terminated except in accordance with this Act. Restriction on termination of tenancy

(2) A landlord shall not regain possession of a rental unit unless, Restriction on recovery of possession

(a) a writ of possession has authorized the regaining of possession; or

(b) the tenant has vacated or abandoned the rental unit.

24.—(1) Where a tenancy agreement specifies a date for the tenancy agreement to end, the landlord and tenant shall be deemed to have renewed the tenancy agreement on that date as a monthly tenancy with the same benefits and obligations as existed under the former tenancy agreement, subject to a rent increase that complies with section 60 (notice of rent increase). Automatic renewal of tenancy

(2) Subsection 1 applies where, Application of subs. 1

(a) the landlord and tenant have not entered into a new tenancy agreement; and

(b) the tenancy has not been terminated in accordance with this Act.

MUTUAL OBLIGATIONS

Change of
locks:
rental unit

25.—(1) A landlord or tenant shall not change the locks on any entrance to the rental unit without the agreement of the other party made at the time of the change.

residential
complex

(2) A landlord or tenant shall not change the locks on any entrance to the residential complex so as to unreasonably interfere with the other's access to the complex.

Remedies

(3) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order,

- (a) requiring the person who breached the obligation to give access to the residential complex or rental unit;
- (b) requiring the person who breached the obligation to not breach the obligation again;
- (c) requiring the person who breached the obligation to compensate the party affected for loss suffered as a result of the breach.

Tenant's
right to
privacy

26.—(1) A landlord shall not enter a rental unit unless he is given the right to do so by this section.

Landlord's
right to
enter

(2) A landlord has the right to enter a rental unit, and the tenant shall permit the landlord to enter,

- (a) to perform the landlord's obligations under the tenancy agreement and this Act;
- (b) to inspect the rental unit where the tenant has requested his consent to an assignment or subletting;
- (c) to show the rental unit to prospective tenants after the tenant has given notice to terminate the tenancy, the landlord and tenant have agreed to terminate or the Commission has made an order terminating the tenancy;
- (d) to inspect the rental unit and to permit a mortgagee or prospective mortgagee or an insurer or prospective insurer to inspect the unit where a mortgage or insurance coverage is being arranged or is required to be renewed on the residential complex;

- (e) to inspect the rental unit on the day the tenant is required to vacate the unit to determine if the tenant has fulfilled his obligations under the tenancy agreement and this Act.

(3) A landlord who intends to exercise the right to enter given by subsection 2 shall first give written notice to the tenant at least forty-eight hours before the first time of entry under the notice, specifying the purpose of the entry and the days and the hours during which the landlord intends to enter the rental unit, and those hours must be between 9 a.m. and 9 p.m. Need for notice

(4) Unless the tenant objects to the days and hours set out in the landlord's notice and specifies alternative days and hours that are reasonable in the circumstances, the landlord may enter in accordance with the notice given under subsection 3. Tenant may specify alternative hours

(5) A landlord has the right to enter the rental unit without giving the notice required by subsection 3 where, Entry without notice

- (a) an emergency exists, in which case the tenant shall permit the landlord to enter;
- (b) the tenant consents at the time of entry; or
- (c) the landlord has good reason to believe that the tenant has vacated or abandoned the rental unit.

(6) A landlord has the right to enter a rental unit, and the tenant shall permit the landlord to enter, to show the rental unit to prospective purchasers of the residential complex, Landlord's right to enter to show unit to prospective purchasers of complex

- (a) at times agreed to between the landlord and the tenant; or
- (b) where there is no agreement, on the days and at the hours specified by the Commission on the application of either the landlord or the tenant.

(7) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order, Remedies

- (a) requiring the person who breached the obligation to not breach the obligation again;

- (b) requiring the person who breached the obligation to compensate the affected party for loss suffered as a result of the breach.

Duty to
minimize
losses

27.—(1) Where a landlord or a tenant becomes liable to pay compensation as a result of a breach of the tenancy agreement or this Act, the person entitled to claim the compensation has a duty to take reasonable steps to minimize his losses.

Landlord's
duty where
tenant
abandons

(2) Where a tenant abandons a rental unit, the landlord shall endeavour, in minimizing his losses as required by subsection 1, to re-rent the rental unit as soon as is practicable and at a reasonable rent.

LANDLORD'S OBLIGATIONS

Landlord's
responsibility
to repair

28.—(1) A landlord is responsible for providing and maintaining,

- (a) the rental unit;
- (b) the residential complex; and
- (c) all services and facilities promised by the landlord whether or not included in a written tenancy agreement,

in a good state of repair and fit for habitation during the tenancy and for complying with health, safety and maintenance and occupancy standards required by law.

Reduction
of services,
etc.

(2) Any substantial reduction in the provision of services and facilities shall be deemed to be a breach of subsection 1.

Knowledge of
non-repair
immaterial

(3) Subsection 1 applies regardless of whether any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into.

Remedies

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) authorizing any repair or other action by the tenant that has been taken or is to be taken to remedy

the effects of the landlord's breach and requiring the landlord to pay any reasonable expenses associated with the repair or action;

- (d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach, including any loss that was suffered as a result of an unreasonable delay by the landlord in remedying the effects of the breach;
- (e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

(5) A tenant shall give prompt notice to the landlord of any substantial breach of the obligation imposed by subsection 1 that comes to the tenant's attention. Notice of substantial breach

(6) Where the landlord does not remedy the breach within ten days, the tenant may pay to the Commission by cash, certified cheque or money order all or part of the rent lawfully required on the subsequent dates specified by the tenancy agreement and the payment of rent to the Commission shall be accompanied by an application to the Commission under this section. Payment of rent to Commission

(7) Where the Commission is of the opinion that the tenant had no reasonable grounds to believe that there was a substantial breach of the obligation imposed by subsection 1, the Commission may make an order, Where tenant does not act on reasonable grounds

- (a) requiring the tenant to compensate the landlord for any additional reasonable expenses incurred by the landlord in collecting rent from the Commission;
- (b) where the tenant persistently diverts rent without reasonable grounds, terminating the tenancy and evicting the tenant on a date specified by the Commission.

(8) Where, based on the obligation imposed by subsection 1, a person claims compensation for personal injury, no compensation shall be awarded unless it is shown that the landlord wilfully or negligently breached the obligation. Compensation for personal injury

29.—(1) A landlord shall not, until the date the tenant vacates or abandons the rental unit, withhold or cause to be withheld the reasonable supply of any vital service, such as heat or fuel or electricity, gas, hot and cold water or other Duty to not withhold vital services

public utility, that it is his obligation to supply under the tenancy agreement, or deliberately interfere with the supply of a vital service whether or not it is his obligation to supply that service during the tenant's occupancy of the rental unit.

Remedies

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by subsection 1, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord;
- (e) terminating the tenancy on a date specified by the Commission, where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

Notice
required
where public
utility
to be
discontinued
R.S.O. 1970,
c. 390

(3) Where a corporation, including a municipal corporation, or a public utility commission, that supplies any public utility within the meaning of *The Public Utilities Act* has reason to believe that a building or mobile home park it supplies is a residential complex, the corporation or commission shall not stop the supply from entering the residential complex or any rental unit therein because of a failure to pay the rate or charge due to the corporation or commission unless the corporation or commission, not less than seven days before the day on which the supply is to be stopped, gives notice in writing to the Commission of its intention to do so.

Role of
Commission
in preventing
discon-
tinuance

(4) Where the Commission receives a notice under subsection 3, or where the Commission is otherwise notified that the supply of a public utility to a residential complex or any rental unit therein has been or is likely to be stopped, and if the Commission after enquiry into the circumstances is of the opinion that the landlord of the residential complex has breached or is likely to breach his obligation to furnish the supply of the public utility to the residential complex, the Commission, after first affording the landlord an opportunity to be heard, may make an order directing any or all of the tenants in the residential complex to pay to the Commission all or part of the rent that would otherwise be payable to the landlord.

30.—(1) A landlord shall not unreasonably interfere with, Duty to not interfere with safety or enjoyment

(a) the safety; or

(b) the enjoyment for all usual purposes by a tenant or members of his household,

of the rental unit or residential complex.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

(a) requiring the landlord to comply with his obligation;

(b) requiring the landlord to not breach his obligation again;

(c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;

(d) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

31.—(1) A landlord shall not seize the personal property of a tenant for any breach by the tenant of the tenancy agreement or this Act, including the obligation to pay rent. No seizure of tenant's property

(2) Subsection 1 does not apply to a seizure of property when the seizure is made by the sheriff in satisfaction of an order of a court or the Commission. Seizure by sheriff

(3) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission shall make an order, Remedies

(a) that the personal property be returned;

(b) that the landlord compensate the tenant for any damage done to the property and for the wrongful seizure.

32.—(1) A landlord shall give notice to his tenants of, Notice of legal name of landlord, etc.

(a) the legal name of the landlord, the landlord's address for the giving of notices or documents and, where there is no agent of the landlord having authority in respect of the residential complex, the landlord's telephone number; and

- (b) the name, address and telephone number of any agent of the landlord having authority in respect of the residential complex.

Posting
of notice

(2) Where a landlord rents more than one rental unit in the same residential complex and retains possession of part of the complex for the common use of all tenants, he shall fulfil the obligation imposed by subsection 1 by posting up and maintaining posted in a conspicuous place the information required by subsection 1.

Proceedings
against
landlord

(3) Any proceeding taken by a tenant may be commenced against the landlord in the name provided under clause *a* of subsection 1.

Remedy

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission shall make an order requiring the landlord to comply with his obligation.

Rent schedule

33.—(1) Every landlord shall maintain and keep available, in the residential complex, for examination at reasonable hours, a schedule showing, for each rental unit located in the residential complex of which he is the landlord, the following information:

- (a) the number of bedrooms;
- (b) the current rent being charged for the unit;
- (c) those services and facilities, accommodations and things included in the current rent for which a separate charge is allocated by the landlord and the amount of each such charge;
- (d) the immediately preceding rent that was charged for the unit;
- (e) those services and facilities, accommodations and things included in the immediately preceding rent for which a separate charge was allocated by the landlord and the amount of each such charge; and
- (f) the date of the last rent increase for the unit.

Posting of
notice

(2) Where there is more than one rental unit in a residential complex, the landlord shall post up conspicuously and maintain posted a notice advising of the existence of

the schedule and when and where it may be examined by persons having an interest in the matter.

(3) Every landlord shall, at least once in every twelve month period, give to the Commission a copy of the schedule maintained by him under subsection 1. Copy to Commission

(4) The Commission shall keep the schedule received by it under subsection 3 in the region in which the residential complex is situate and shall make the schedule available for examination by any person having an interest in the matter. Schedules to be kept in region

(5) Subsection 3 does not apply to rental units that are exempt from rent review under Part XI. Exception

(6) This section does not apply to a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof. Government-owned housing

(7) Where a rental unit in a residential complex, other than a complex referred to in subsection 6, is subsidized public housing, the rent charged that is shown on the schedule shall be the total amount of the rent being received by the landlord for that unit. Subsidized public housing

(8) Where, on the application of any person having an interest in the matter, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission shall make an order requiring the landlord to comply with his obligation. Remedy

34.—(1) A landlord shall comply with additional obligations under the tenancy agreement. Compliance with additional obligations

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the

landlord's breach and requiring the landlord to pay any reasonable expenses associated with the action.

Entry by
political
canvassers

35.—(1) A landlord shall not restrict reasonable access to the residential complex by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, or any office in a municipal government or a school board, for the purpose of canvassing or distributing election material.

Use of
common
room

(2) Where a residential complex contains a common room that is available for the recreational use of tenants, and a tenant or group of tenants wishes to use the room for a meeting between tenants of the complex and a holder of, or candidate for, any elected office mentioned in subsection 1, the landlord shall not prohibit the use of the room by reason only of the purpose of the meeting.

Remedy

(3) Where, on the application of a tenant or any other person affected, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission shall make an order requiring the landlord to comply with his obligation.

TENANT'S OBLIGATIONS

Obligation to
pay rent

36.—(1) A tenant shall pay to the landlord the rent lawfully required by the tenancy agreement on the dates specified by the tenancy agreement.

Remedies

(2) Where, on the application of a landlord, the Commission determines that a tenant has failed to pay rent in accordance with subsection 1, the Commission may make an order,

- (a) requiring the tenant to pay the rent owing;
- (b) requiring the tenant to pay his rent on time in the future;
- (c) terminating the tenancy and evicting the tenant on a date not earlier than,
 - (i) where the landlord holds a rent deposit, the last day for which rent has been paid or the fourteenth day following the application to the Commission, whichever is later, or

- (ii) where the landlord does not hold a rent deposit, the fourteenth day following the application to the Commission.

(3) Where the Commission makes an order under clause *a* of subsection 2, the Commission may, in determining the amount of rent owing, where it considers it is justified in doing so, take into account reasonable expenses incurred by the tenant to remedy the effects of any breach by the landlord of his obligation under section 28 (landlord's responsibility to repair).

Determina-
tion of amount
of rent owing

(4) Where, before an order is made, the tenant pays the rent due to the landlord or the Commission, the Commission shall not make an order terminating the tenancy for failure to comply with subsection 1.

Where
payment
prevents
termination

(5) A tenant shall not withhold the payment of rent except under section 8 or 17 (where landlord fails to give copy of tenancy agreement to tenant) or unless the Commission directs the tenant to pay all or part of his rent to the Commission or unless the tenant pays all or part of his rent to the Commission under subsection 6 of section 28.

Tenant
not to
withhold
rent

(6) A tenant who withholds the payment of rent for a reason referred to in subsection 5 shall be deemed not to be in breach of the obligation imposed by subsection 1.

Effect of
withholding
payment of
rent

37.—(1) A tenant is responsible for the repair of damage to the rental unit and the residential complex, including all services and facilities provided by the landlord, caused by the tenant's wilful or negligent conduct or that of persons who are permitted on the premises by him.

Responsibility
for repair
of damage

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order,

Remedies

- (a) requiring the tenant to comply with his obligation;
- (b) prohibiting the tenant from doing any further damage;
- (c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;

(d) authorizing any repair or other action by the landlord that has been taken or is to be taken to remedy the effects of the tenant's breach and requiring the tenant to pay any reasonable expenses associated with the repair or action;

(e) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Duty to not
interfere with
safety or
enjoyment

38.—(1) A tenant shall not unreasonably interfere with,

(a) the safety; or

(b) the enjoyment for all usual purposes by the landlord or any other tenant or members of their households,

of the residential complex or any other rental unit.

Deemed
interference
by tenant

(2) Unreasonable interference by a person permitted by a tenant to enter the residential complex or his rental unit shall be deemed to be unreasonable interference by the tenant.

Remedies

(3) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by subsection 1, the Commission may make an order,

(a) requiring the tenant to comply with his obligation;

(b) requiring the tenant to not breach his obligation again;

(c) requiring the tenant to compensate the persons affected for loss suffered as a result of the breach;

(d) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Landlord to
investigate
complaints

(4) Where a tenant informs his landlord that he has been affected by a breach of the obligation imposed by subsection 1, the landlord shall enquire into the complaint and take appropriate action, and the action taken may include the making of an application under subsection 3.

Where tenant
not satisfied

(5) Where, after receiving a complaint under subsection 4, the landlord does not make an application under subsection 3 and the complaining tenant is not satisfied with the action, if any, that the landlord has taken, the complaining tenant

may give a written notice to that effect to the landlord and the Commission.

(6) Where the Commission receives a notice under subsection 5, the Commission shall enquire into the matter and, where it is of the opinion that there would be reasonable grounds for an application under subsection 3, shall attempt, by whatever means it considers necessary, to resolve the complaint by agreement.

(7) Where the Commission is of the opinion that it has been unable to resolve the complaint within a reasonable time,

- (a) an application by the landlord under subsection 3 against the tenant alleged to have breached the obligation imposed by subsection 1 shall be deemed to have been made;
- (b) the landlord, the complaining tenant and the tenant alleged to have breached the obligation are parties to the application; and
- (c) the landlord shall be deemed to have complied with section 98.

39. Where, on the application of a landlord, the Commission determines that,

- (a) a tenant has breached the obligation not to unreasonably interfere imposed by section 38, and the continuation of the tenancy would be unfair to the other occupants of the residential complex;
- (b) a tenant or a member of his household has caused extraordinary damage to the rental unit, the residential complex or services and facilities provided by the landlord; or
- (c) a tenant was permitted to occupy the rental unit as a result of a promise to pay the first instalment of rent or the rent deposit within a specified time and,
 - (i) failed to do so, or
 - (ii) gave the landlord a cheque or other negotiable instrument for the first instalment of rent or the rent deposit which proved to be worthless,

the Commission may make an order terminating the tenancy and evicting the tenant on the earliest possible date.

Compliance
with
additional
obligations

40.—(1) A tenant shall comply with rules or obligations under the tenancy agreement, except those that are unenforceable under section 6 (rules to be reasonable).

Responsibility
for cleanliness

(2) A tenant shall maintain the rental unit and all services and facilities provided by the landlord of which the tenant has exclusive use in a state of ordinary cleanliness.

Overcrowding

(3) A tenant shall not permit a number of persons to occupy the rental unit on a continuing basis that results in the contravention of health, safety or housing standards required by law or in a breach of the tenancy agreement.

Remedies

(4) Where, on the application of a landlord, the Commission determines that a tenant has breached an obligation imposed by this section, the Commission may make an order,

(a) requiring the tenant to comply with his obligation;

(b) requiring the tenant to not breach his obligation again;

(c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;

(d) authorizing any action by the landlord that has been taken or is to be taken to remedy the effects of the tenant's breach and requiring the tenant to pay any reasonable expenses associated with the action.

Illegal
activities

41.—(1) A tenant shall not carry on or permit to be carried on any illegal activity or do or permit the doing of any illegal act in the rental unit or in the residential complex.

Remedies

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section and that the landlord or another occupant of the residential complex has been adversely affected, or is likely to be adversely affected by a continuation or repetition of the breach, the Commission may make an order,

(a) requiring the tenant to comply with his obligation;

- (b) requiring the tenant to not breach his obligation again;
- (c) terminating the tenancy and evicting the tenant on a date specified by the Commission.

42.—(1) A tenant of subsidized public housing shall not, Obligations of public housing tenants

- (a) knowingly make a significant false statement in his application for accommodation;
- (b) at any time knowingly and significantly misrepresent his income or income-producing assets or that of other persons occupying the rental unit; or
- (c) fail to provide the landlord, within a reasonable time after being required to do so by the tenancy agreement, with a statement of income or income-producing assets or that of other persons occupying the rental unit.

(2) Where, on the application of a landlord, the Commission Remedy determines that a tenant has breached the obligation imposed by clause *a* or *b* of subsection 1, the Commission may make an order,

- (a) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;
- (b) terminating the tenancy and evicting the tenant on a date specified by the Commission.

(3) Where, on the application of a landlord, the Commission Idem determines that a tenant has breached the obligation imposed by clause *c* of subsection 1, the Commission may make an order,

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;
- (c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach.

ENFORCEMENT OF COMMISSION ORDERS

43. Where, on the application of a tenant, the Commission determines that the landlord has failed to obey an order of Where landlord fails to comply with order

the Commission or a court concerning the landlord's obligations under the tenancy agreement or this Act, the Commission may make an order,

- (a) directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord;
- (b) terminating the tenancy on a date specified by the Commission where the failure to obey the order is so substantial that the continuation of the tenancy would be unfair to the tenant.

Where
tenant fails
to comply
with order

44. Where, on the application of a landlord, the Commission determines that a tenant has failed to obey an order of the Commission or a court concerning the occupancy of a rental unit or the tenant's obligations under the tenancy agreement or this Act, the Commission may make an order,

- (a) extending the time in which the tenant may comply with the order;
- (b) terminating the tenancy and evicting the tenant on a date specified by the Commission.

PART IV

TERMINATION WITHOUT FAULT

Agreement
to
terminate

45. Where a landlord and tenant agree in writing after a tenancy agreement has been made to terminate the tenancy on a specified date, the tenancy is terminated on the date specified.

Termination
by tenant:
fixed
term

46. Where a tenancy agreement specifies a date for the tenancy agreement to end, the tenant may terminate the tenancy on the date specified in the agreement by giving the landlord a notice of termination not later than thirty days before the termination date.

Termination
by tenant:
periodic
tenancy

47. Where a tenancy agreement does not specify a date for the tenancy to end, the tenant may terminate the tenancy on the last day of a period of the tenancy by giving the landlord a notice of termination,

- (a) in the case of a weekly tenancy, at least seven days before the termination date; or
- (b) in the case of a tenancy other than a weekly tenancy, at least thirty days before the termination date.

48. A notice of termination by a tenant shall be in writing and shall, Contents of tenant's notice of termination

- (a) be signed by the tenant or his agent;
- (b) identify the rental unit to which the notice applies; and
- (c) state the date on which the tenancy is to terminate.

49. Where, on the application of a landlord, the Commission determines that there is an agreement to terminate under section 45, or that the tenant has given a written notice of termination, the Commission may make an order, Enforcement of agreement or notice to terminate

- (a) evicting the tenant on the date specified in the agreement or notice, or on the earliest reasonable date thereafter;
- (b) requiring the tenant to compensate the landlord for the use and occupation of the rental unit, calculated for each day the tenant remains in occupation following the termination of the tenancy.

50. Where, on the application of a landlord or a tenant, the Commission determines that, Shared accommodation

- (a) the landlord and the tenant share a bathroom or kitchen facility; and
- (b) personal differences that have arisen between the landlord and the tenant make the continuation of the tenancy unfair to either of them,

the Commission may make an order terminating the tenancy, and where the landlord is applicant, evicting the tenant, on a date specified by the Commission.

51.—(1) Where, on the application of a landlord, the Commission determines that the landlord in good faith, Termination by landlord for own use or where sale

- (a) requires possession of a rental unit for the purpose of residence by himself, his spouse, his child or parent, or a child or parent of his spouse; or
- (b) has entered into an agreement of sale of a residential complex and,
 - (i) is required by the agreement of sale to deliver vacant possession of a rental unit to the purchaser, and

- (ii) the purchaser requires possession of the rental unit for the purpose of residence by himself, his spouse, his child or parent, or a child or parent of his spouse,

the Commission may make an order terminating the tenancy and evicting the tenant,

- (c) on the last day of a rent payment period not earlier than sixty days after the date the application is made; or

- (d) at the end of the tenancy agreement,

whichever is later.

Where
order may be
refused

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *a* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit.

Early
termination
by tenant

(3) Where a tenant receives a copy of an application under subsection 1, he may, at any time before the date specified for termination in the application, terminate the tenancy by,

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and

- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

Overpayment
by tenant

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission shall make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit.

Termination
for
demolition,
change of
use or
major repairs

52.—(1) Where, on the application of a landlord, the Commission determines that the landlord in good faith requires possession of a rental unit for the purposes of,

- (a) demolition;

- (b) changing the use of the rental unit to a use other than that of rented residential premises; or
- (c) making repairs or renovations so extensive as to require a building permit and vacant possession of the rental unit,

and that the landlord has obtained all necessary permits or other authority that may be required, the Commission may make an order terminating the tenancy and evicting the tenant,

- (d) on the last day of a rent payment period not earlier than 120 days after the application is made; or
- (e) at the end of the tenancy agreement,

whichever is later.

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *b* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit. Where order may be refused

(3) Where a tenant receives a copy of an application under subsection 1, he may at any time before the date specified for termination in the application, terminate the tenancy by, Early termination by tenant

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission shall make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit. Overpayment by tenant

(5) Where a tenant has received a copy of an application for termination under clause *c* of subsection 1 and has indicated in writing to the landlord, before vacating the rental unit, that he wishes to have a right of first refusal to rent the Tenant's right of first refusal

unit as a tenant when the repairs or renovations are completed, the tenant shall have the right of first refusal to rent the unit, at the lowest rent that would be charged to any other tenant for the same unit, provided that the tenant informs the landlord by mail of any change of address.

Remedy where
right of first
refusal denied

(6) Where, on the application of a former tenant, the Commission determines that the landlord has deprived the tenant of the benefit of subsection 5, the Commission may make an order requiring the landlord to compensate the tenant for the loss of the benefit.

Remedy for
improper
termination

53.—(1) In addition to liability to a prosecution under section 123 for knowingly furnishing false information to the Commission, where, on the application of a former tenant, the Commission determines that the tenant vacated the rental unit as a result of an application to terminate under section 51 or 52 and that the landlord or, in the case of an application under clause *b* of subsection 1 of section 51, the purchaser, did not in good faith require the rental unit for the purpose specified in the application to terminate, the Commission may make an order,

- (a) requiring the landlord or the purchaser to pay the tenant's reasonable moving expenses to his new accommodation;
- (b) requiring the landlord or the purchaser to compensate the tenant for any additional reasonable expenses incurred by the tenant, including, for a period of up to twelve months, any increased rent that the tenant was obliged to pay as a result of the improper termination.

Presumption

- (2) Unless proven otherwise, it shall be presumed that,
 - (a) a landlord, in the case of an application to terminate under clause *a* of subsection 1 of section 51; or
 - (b) a purchaser, in the case of an application to terminate under clause *b* of subsection 1 of section 51,

did not in good faith require the rental unit for the purpose specified in the application to terminate unless the rental unit is occupied in accordance with the purpose specified in the application within ninety days of the date specified for termination in the application.

Tenants of
educational
institutions,
employers or
condominiums

54. Where, on the application of a landlord, the Commission determines that,

- (a) a tenant, who as a student or staff member was provided by an educational institution with living accommodation that is not exempt from this Act, has ceased to meet the qualifications required for occupancy of the living accommodation;
- (b) a tenant was an employee of an employer who provided the tenant with a rental unit during his employment and his employment has terminated; or
- (c) a tenancy arose because of or in connection with an agreement of purchase and sale, entered into in good faith, of a proposed unit within the meaning of *The Condominium Act, 1978* and the agreement of 1978, c. 84 purchase and sale has been terminated,

the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission.

55.—(1) Where, on the application of a landlord, the Commission determines that a tenant of subsidized public housing is not in need of subsidized public housing, the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission.

Tenant not
in need of
public
housing

(2) Where, on the application of a landlord, the Commission determines that,

Tenant in
need of
public
housing

- (a) a tenant of subsidized public housing is not in need of the particular subsidized public housing he occupies; and
- (b) the tenant is in need of subsidized public housing of some kind,

the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission, but the Commission may refuse to make the order unless the tenant is permitted to occupy another rental unit that is subsidized public housing.

56. Where, on the application of a federal, provincial or municipal authority, the Commission determines that a rental unit must be vacated in order to comply with an order by a federal, provincial or municipal authority, the Commission may make an order terminating the tenancy

Order of
government
authority

and evicting the tenant on a date which is reasonable in all the circumstances.

Where rental unit made uninhabitable, etc.

57.—(1) Where a tenancy agreement has become impossible to perform because the rental unit or residential complex has been made uninhabitable by fire, flood or other occurrence, or where the tenancy agreement has been otherwise frustrated, the tenancy shall be deemed to have been terminated on the date performance became impossible or the tenancy agreement was otherwise frustrated.

Application of R.S.O. 1970, c. 185

(2) *The Frustrated Contracts Act* applies to a tenancy that has been terminated under subsection 1.

Abandonment or surrender

58.—(1) Where a tenant abandons or surrenders a rental unit, the tenancy agreement is terminated on the date the rental unit was abandoned or surrendered, but in the case of abandonment the tenant remains liable, subject to section 27 (landlord's duty to minimize losses), to compensate the landlord for loss of future rent that would have been payable under the tenancy agreement.

Compensation for loss of future rent

(2) Where, on the application of a landlord, the Commission determines that a tenant has abandoned a rental unit, the Commission may make an order requiring the tenant to pay to the landlord the compensation for which the tenant is liable by reason of subsection 1.

Termination of caretaker's tenancy

59.—(1) Despite any other provision of this Act, where a landlord has entered into a tenancy agreement in respect of a caretaker's unit, unless otherwise agreed, the tenancy of the tenant is terminated on the day on which his employment is lawfully terminated and the tenant shall vacate the caretaker's unit not later than one week after his employment is lawfully terminated.

No rent or compensation

(2) A landlord shall not charge or receive any rent or compensation from the tenant in respect of the period of one week mentioned in subsection 1.

Remedy against caretaker who overholds

(3) Where, on the application of a landlord, the Commission determines that a tenant has failed to vacate the premises as required by subsection 1, the Commission may make an order evicting the tenant on the earliest reasonable date.

PART V

NOTICE OF RENT INCREASES

Notice of rent increase

60.—(1) A landlord shall not increase the rent for a rental unit unless he gives the tenant a notice in the prescribed

form setting out his intention to increase the rent and the amount of the increase, expressed both in dollars and as a percentage of the current rent, intended to be made not less than ninety days before the end of,

(a) a period of the tenancy; or

(b) the term of a tenancy for a fixed period.

(2) An increase in rent by the landlord where the landlord has not given the notice required by subsection 1 is void. Increase void where no notice

(3) Subsections 1 and 2 do not apply to a rent increase for a rental unit where the rent increase is intended to take effect when a new tenant first occupies the rental unit under a new tenancy agreement. Notice unnecessary for new tenant

(4) Where a tenancy agreement for a rental unit that is not subject to rent review under Part XI provides that the tenant shall pay all, part of, or any increase in, Taxes and utility charges where unit not subject to rent review

(a) the taxes attributable to the rental unit; or

(b) the utility charges or heating charges attributable to the rental unit,

and the taxes, utility charges or heating charges are increased, the notice required by subsection 1 need not be given and the increase shall be deemed not an increase under this Act.

(5) Unless a tenancy agreement specifically provides otherwise, a promise by a tenant to pay taxes shall be deemed not to include an obligation to pay taxes assessed for local improvements. Taxes deemed not to include local improvement charges

61.—(1) Where a tenant who has been given a notice of an intended rent increase under section 60 fails to give the landlord proper notice of termination, he shall be deemed to have accepted, Where tenant fails to give notice of termination

(a) where the amount of the rent increase is not subject to rent review under Part XI,

(i) the amount of the rent increase specified in the notice of the landlord, or

(ii) such other rent increase as may be agreed upon in writing between the landlord and the tenant; or

- (b) where the amount of the rent increase is subject to rent review under Part XI, the amount of rent increase that does not exceed the amount allowed under that Part.

Deemed acceptance not to constitute waiver of tenant's rights

(2) The deemed acceptance by a tenant of an increase in rent in the case mentioned in clause *b* of subsection 1 does not constitute a waiver of the tenant's right to take whatever proceedings are available to him under this Act for the review of rent increases.

PART VI

TENANT'S PERSONAL PROPERTY

Tenant may remove fixtures

62.—(1) A tenant may, during the time he occupies the rental unit, remove any property belonging to him which is attached to the rental unit, provided that he repairs, or compensates the landlord for, any damage done to the rental unit that results from the installation or removal of the property.

Disputes

(2) On the application of a landlord or a tenant, the Commission may determine whether a tenant is entitled to remove property under subsection 1 and may make an order,

- (a) permitting or prohibiting the removal of property;
- (b) requiring the tenant to repair, or compensate the landlord for, any damage done to the rental unit.

Abandoned personal property

63.—(1) Unless a landlord and tenant have made a specific agreement providing for the storage of personal property, where a tenant leaves personal property in a rental unit or residential complex that he has vacated or abandoned, the landlord may remove the personal property and, on removal, shall store and dispose of the personal property in accordance with this section.

Worthless, etc. property

(2) Where a landlord has good reason to believe that an item of personal property removed under subsection 1,

- (a) would be unsanitary or unsafe to store; or
- (b) is worthless,

the landlord may dispose of the item.

(3) Where a landlord removes personal property other than property described in subsection 2, he shall, at the earliest reasonable opportunity, give the Commission an inventory in the prescribed form of the property and, where the address of the tenant is known to the landlord, he shall give the tenant a copy of the inventory. Landlord to give inventory

(4) Where, after receiving the inventory, the Commission determines that an item of personal property in the inventory could not be sold for an amount greater than the reasonable cost of removing, storing and selling it, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Property of little value

(5) Property that has not been disposed of or sold under subsection 2 or 4 shall, subject to the direction of the Commission, be stored in a safe place and manner for a period of not less than sixty days. Remaining property to be stored

(6) Where the tenant or owner of an item of personal property stored by the landlord pays the landlord the cost of removing and storing the item, the landlord shall give the item to the tenant or owner and notify the Commission. Where property to be returned

(7) Where no person has taken possession of an item of personal property stored under subsection 5 during the sixty days referred to in that subsection, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Sale of unclaimed property

(8) Where a landlord sells an item of personal property under subsection 4 or 7, he may, subject to the terms and conditions set by the Commission under those sections, Proceeds of sale

- (a) retain that part of the proceeds of the sale necessary to reimburse him for the reasonable costs of removing, storing and selling the property; and
- (b) retain that part of the proceeds of the sale necessary to satisfy any order for compensation made in his favour by the Commission or a court, where the order was made regarding the tenancy agreement or this Act,

and shall pay the balance to the Commission, who shall hold the balance for one year for the tenant who left the personal property in the rental unit or residential complex.

Report on
sale

(9) Where a landlord sells an item of personal property under subsection 4 or 7, he shall give to the Commission a written report in the prescribed form regarding the sale and the distribution of the proceeds of the sale.

Unclaimed
proceeds
forfeited to
Crown

(10) Where the Commission does not receive a claim in respect of the balance within the one-year period referred to in subsection 8, the amount not claimed shall be forfeited to the Crown.

Purchaser in
good faith
acquires good
title

(11) A purchaser in good faith of an item of personal property of the tenant sold in accordance with subsection 4 or shall be deemed to have acquired good title to the property, free and clear of any other interest.

Substantial
compliance
protects
landlord

(12) Where a landlord substantially complies with this section, he is not liable to the tenant or any other person for loss suffered by the tenant or other person as a result of the storage, sale or other disposition by the landlord of the abandoned personal property.

Remedies for
wrongful
sale, etc.

(13) Where, on the application of a person claiming to be the owner of an item of personal property, the Commission determines that the landlord has wrongfully sold, disposed of or otherwise dealt with the item of personal property, the Commission may make an order,

- (a) requiring the landlord to compensate the owner for the wrongful sale, disposition or dealing; or
- (b) requiring the landlord to give the property to the owner.

PART VII

MOBILE HOMES

Tenant's right
to sell, etc.

64.—(1) A landlord shall not restrict in any way the right of a tenant to sell, lease, or otherwise part with the possession of a mobile home owned by the tenant.

Where mobile
home and site
both
transferred

(2) Where a person obtains possession of a mobile home owned by a tenant while it is situate in a mobile home park and also obtains an assignment or subletting under section 16 of the site that is the rental unit, that person shall be entitled to all the benefits of a tenant or sub-tenant in the mobile home park.

Landlord as
agent for
sale, etc.

(3) A landlord shall not receive any compensation for acting as the agent of the tenant in any negotiations to sell,

lease or otherwise part with possession of a mobile home situate in a mobile home park, except under a written agency contract, entered into after the decision of the tenant to sell, lease or otherwise part with possession of the mobile home.

(4) Where, on the application of a tenant or any other person affected, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.

65.—(1) A landlord shall not make any charge in respect of, Certain charges prohibited

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;
- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park; or
- (e) the granting of a tenancy in a mobile home park,

except a sum to compensate the landlord for his reasonable expenses arising out of the installation or removal of a mobile home.

(2) Where, on the application of a landlord or a tenant, the Commission determines that money is payable to the landlord or to the tenant by reason of subsection 1, the Commission may make an order requiring the money to be paid. Remedy

66.—(1) Except as provided in this section, a landlord shall not restrict in any way the right of a tenant to purchase goods or services from the person of his choice. Restraint of trade prohibited

Standards
for
equipment

(2) A landlord may set reasonable standards for mobile home equipment.

When
tradesman
may be
prohibited
from entry

(3) Where a tradesman has,

- (a) unduly disturbed the peace and quiet of the mobile home park;
- (b) failed to observe reasonable rules of conduct that have been established by the landlord; or
- (c) violated the traffic rules of the mobile home park,

despite a request by the landlord to discontinue the conduct, the landlord may restrict or prohibit the entry of the tradesman into the mobile home park.

Remedies

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.

Additional
obligations
of landlord

67.—(1) A landlord is responsible for,

- (a) providing or ensuring the complete removal or disposal of garbage in the mobile home park at least once each week;
- (b) grading and maintaining all roads in the mobile home park so that the roads are in a good state of repair;
- (c) clearing snow from mobile home park roads to maintain, as much as possible, the same width of passage on the roads at all times throughout the year;
- (d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in a good state of repair;
- (e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment in-

tended for the common use of the tenants in a good state of repair and cleanliness; and

- (f) the repair of damage to the tenant's property caused by the wilful or negligent conduct of the landlord.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the landlord's breach and requiring the landlord to pay any reasonable expenses associated with the action;
- (d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach;
- (e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant and requiring the landlord to pay all or part of the tenant's reasonable expenses in moving his mobile home to another site.

68.—(1) A tenant who is the owner of a mobile home situate on a rental unit is responsible for maintaining the exterior portion of the mobile home in a good state of repair and cleanliness. Obligations of tenant

(2) Where, on the application of a landlord or a tenant, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;

- (c) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Termination
by landlord
for own use
or for
demolition

69.—(1) Where a landlord of a mobile home park makes an application to the Commission under section 51 or 52, the landlord shall make every reasonable effort to find an alternative site of similar character, convenience and cost to which the tenant may move his mobile home or in which the tenant may purchase, lease or otherwise obtain the use of a mobile home.

Where no
order to be
made

(2) The Commission shall not make an order terminating a tenancy in a mobile home park and evicting a tenant under section 51 or 52 unless the Commission is satisfied that the landlord has complied with subsection 1.

Moving
expenses

(3) Where a tenancy of a site in a mobile home park is terminated under section 30, 51 or 52, the Commission may make an order requiring the landlord to pay all or part of the tenant's reasonable expenses in moving his mobile home to another site.

PART VIII

RESIDENTIAL TENANCY COMMISSION

Commission
established

70. A commission to be known as the Residential Tenancy Commission is hereby established.

Composition
of
Commission

71. The Commission shall be composed of such number of Commissioners as the Lieutenant Governor in Council determines.

Term of
office

72. The Commissioners shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding five years and may be reappointed for further successive terms of five years each.

Removal
for
cause

73.—(1) A Commissioner may be removed from office during his term only for misbehaviour or for inability to perform his duties properly and only if,

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the Commissioner is given reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

(2) For the purpose of making an inquiry under sub-section 1, the Lieutenant Governor in Council may appoint a judge of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has, for that purpose, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Inquiry
1971, c. 49

(3) An order removing a Commissioner from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session. Order
for
removal

74. Each Commissioner shall devote his full time and attention to the work of the Commission. Commissioners
full time

75.—(1) Each Commissioner shall be paid such remuneration and be afforded such benefits as are fixed by the Lieutenant Governor in Council and shall in addition be reimbursed for his reasonable travelling or out-of-pocket expenses necessarily incurred by him in the discharge of his duties. Remunera-
tion

(2) *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the Commissioners. Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

76. The Lieutenant Governor in Council shall appoint as Appeal Commissioners such number of Commissioners as the Lieutenant Governor in Council determines. Appeal
Commissioners

77.—(1) The administration of the affairs of the Commission shall be vested in a Board of Commissioners, to be composed of such Commissioners as the Lieutenant Governor in Council designates. Board
of
Commissioners

(2) Five members of the Board of Commissioners, of whom one shall be the Chief Tenancy Commissioner or his designate, constitute a quorum. Quorum

78.—(1) One of the members of the Board of Commissioners shall be designated by the Lieutenant Governor in Council as Chief Tenancy Commissioner, who shall be chairman of the Board and chief administrative officer of the Commission. Chief
Tenancy
Commissioner

(2) Where the Chief Tenancy Commissioner is unable to carry out his duties because of absence or illness, the Minister may Absence or
illness of Chief
Tenancy
Commissioner

appoint another member of the Board of Commissioners to act as Chief Tenancy Commissioner until the Chief Tenancy Commissioner returns to duty, but an appointment under this section shall not be made for a period of longer than six months.

Staff

79.—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, terms and conditions of employment, salary ranges and other benefits for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, terms and conditions, salary ranges and benefits so approved.

Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

(2) *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the employees of the Commission as though the Commission were a commission designated by the Lieutenant Governor in Council under section 27 of the first mentioned Act.

Professional,
technical and
other
assistance

80. The Commission may engage persons other than those appointed under section 79 to provide professional, technical or other assistance to the Commission and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons.

Duties of
Commission

81. The Commission shall,

- (a) perform the duties assigned to it by or under this Act and shall administer this Act and the regulations;
- (b) periodically review this Act and the regulations and recommend from time to time amendments or revisions thereof;
- (c) advise and assist the public on all residential tenancy matters including referral where appropriate to social services and public housing agencies;
- (d) take an active role in ensuring that landlords and tenants are aware of the benefits and obligations established by this Act;
- (e) periodically prepare and publish a summary of significant decisions of the Commission and the reasons therefor.

Policy
guidelines,
etc.
available
to public

82. All policy guidelines and procedural manuals issued by the Commission which may be used in making determina-

tions under this Act shall be made available for examination by the public.

83. No action or other proceeding for compensation or damages shall be instituted against the Commission, any Commissioner, or any member of the Commission staff, for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Immunity of Commission for acts done in good faith

84.—(1) Subject to subsections 3 to 8, the Commission has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Act and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Commission.

Exclusive jurisdiction of Commission

(2) The Commission may determine,

Commission may determine application of Act, etc.

(a) whether this Act applies to a particular living accommodation; and

(b) the rental units, common areas, services and facilities included in a particular residential complex.

(3) The Commission shall not make an order for the payment of money where the amount claimed by any party to the application is in excess of \$3,000, but nothing in this subsection prevents the Commission from arbitrating a dispute and enforcing a decision under section 85 or directing the payment of any rent to the Commission in respect of an amount in excess of \$3,000.

No order where amount claimed by party over \$3,000

(4) Where, under this Act, a person claims a sum of money in excess of \$3,000, he may institute proceedings therefor in any court of competent jurisdiction.

Court jurisdiction

(5) Where, under subsection 4, proceedings are instituted in a county or district court, the court may, where the sum of money claimed is within the monetary jurisdiction of the court in a contract action, hear and determine the matter.

County or district court

(6) Despite the institution of proceedings in court for the recovery of money, unless the court stays proceedings before the Commission on the grounds that it would not be practicable or would be unfair to any party to continue the proceedings before the Commission, which stay the court is hereby empowered to make, the Commission may hear and determine, and may make an order respecting, all aspects of the

Commission proceedings not ordinarily stayed

matters in dispute that do not depend on the determination of the claim for money.

Commission
entitled to
be heard
before stay
ordered

(7) The court shall not order a stay of proceedings before the Commission under subsection 6 without first affording the Commission an opportunity to be heard and to make representations to the court on the matter.

Court
jurisdiction
where
Commission
proceedings
stayed

(8) Where the court orders that proceedings before the Commission be stayed, the court may hear and determine all matters in dispute and may exercise all of the authority of the Commission in that regard and may make any order or decision that the Commission might have made.

Arbitration by
Commission

85.—(1) Where a dispute concerning a residential tenancy is not within the jurisdiction of the Commission, the Commission may, with written consent of all parties to the dispute, arbitrate the dispute and in that case the decision of the Commission is final and binding on all parties to the dispute.

Enforcement
of decision

(2) The decision of the Commission under subsection 1 shall be deemed to be an order of the Commission for the purposes of enforcement.

Non-applica-
tion of
R.S.O. 1970,
c. 25

(3) Where the Commission acts as arbitrator under subsection 1, *The Arbitrations Act* does not apply.

Minister may
establish
regions

86. The Minister may, by order, establish regions in Ontario for the purposes of this Act.

Proceedings
in region

87. An application to the Commission may only be made, and all proceedings before the Commission shall be held, in the region in which the residential complex in question is situate, unless the parties otherwise agree in writing or the Commission otherwise directs.

Payment of
Commission's
expenses

88. All expenses incurred and expenditures made by the Commission in the conduct of its affairs shall, until the 31st day of March, 1980, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

Commission
may charge
fee for
copies of
documents,
etc.

89. The Commission may charge a fee in the prescribed amount for furnishing to any person, at his request, copies of forms, notices or documents filed with or issued by the Commission, including policy guidelines and procedural manuals.

90. The accounts of the Commission shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose, and the salary and remuneration of the auditor so appointed shall be paid by the Commission as part of its administrative expenses. Audit of Commission's accounts

91.—(1) The Commission shall at the close of each year file with the Minister an annual report upon the affairs of the Commission. Annual report

(2) The Commission shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require. Further reports

(3) The Minister shall submit the reports to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session. Tabling of reports

PART IX

PROCEDURE

GENERAL

92. The Commission shall adopt the most expeditious method of determining the questions arising in any proceeding that affords to all persons affected by the proceedings an adequate opportunity to know the issues and be heard on the matter. Commission to adopt expeditious procedures

93.—(1) Every decision of the Commission shall be upon the real merits and justice of the case. Decision to be on merits and justice

(2) In determining the real merits and justice of the case, the Commission shall ascertain the real substance of all transactions and activities relating to the residential complex and the good faith of the participants and in doing so, Commission to ascertain substance of transactions and activities, etc.

(a) may disregard the outward form of the transactions or the separate corporate existence of the participants; and

(b) may have regard to the pattern of activities relating to the residential complex.

94. The offices of the Commission shall operate at times convenient to the public, including, where appropriate, evenings, statutory holidays and week-ends. Commission to operate at convenient times

MAKING OF APPLICATIONS AND
GIVING OF NOTICES

Who may
make
application

95.—(1) A person may make an application to the Commission as a landlord or as a tenant, provided he was a landlord or a tenant at the time the conduct giving rise to the application occurred.

Representa-
tive actions

(2) Where more than one person has a common interest in respect of an application to the Commission, the Commission may authorize one or more of those persons to represent all those persons and any order made by the Commission may be made applicable to all.

Form of
application

96.—(1) An application to the Commission shall be made in the prescribed form and shall be signed by the person making the application or his agent.

Where name
of occupant
not known

(2) Where an application is brought against an occupant and the name of the occupant is not known to the person bringing the application, the name of the occupant may be shown in the application as "occupant" and any proceedings may be taken against, and all orders shall be binding on, the person occupying the rental unit as if the occupant had been correctly named.

Where name
of landlord
not known

(3) Where an application is brought against a landlord and the name of the landlord is not known to the person bringing the application, the name of the landlord may be shown in the application as "landlord" and any proceedings may be taken against, and all orders shall be binding on, the landlord as if he had been correctly named.

Extension of
time for
application
or appeal

97. The Commission may, whether or not the time for making an application to, or filing a notice of appeal with, the Commission has expired and where it is of the opinion that it would not be unfair to do so, extend the time for the making of the application to, or the filing of the notice of appeal with, the Commission.

Landlord
must give
copy of
application to
tenant, etc.

98.—(1) Where a landlord makes an application to the Commission, the landlord shall promptly give a copy of the application to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Tenant must
give copy of
application to
landlord, etc.

(2) Where a tenant makes an application to the Commission, the tenant shall promptly give a copy of the application to the

landlord, and, where the application is made under section 20 (overholding sub-tenant) or 68 (tenant's obligation to repair mobile home), to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

(3) Where a person other than a landlord or a tenant makes an application to the Commission, the person making the application shall promptly give a copy of the application to the landlord and any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application. Other applicant must give copy of application to landlord, etc.

(4) The Commission shall, on request, give written directions concerning the giving of copies of an application, and compliance with the directions of the Commission shall be deemed to be compliance with this section. Commission may give written directions

99.—(1) Where this Act permits or requires a notice or document to be given to a person, the notice or document is sufficiently given by, Method of giving notice, etc.

(a) handing it to the person, or,

(i) where the person is a landlord, to any employee of the landlord exercising authority in respect of the residential complex, or

(ii) where the person is a tenant, sub-tenant or occupant, to an apparently adult person in the rental unit;

(b) leaving it in the mail box where mail is ordinarily delivered to the person; or

(c) sending it by mail to the address where the person resides or carries on business.

(2) Where a notice or document is given by mail, it shall be deemed to have been given on the fifth day after mailing, excluding Saturdays and holidays. Where notice given by mail

(3) Despite the other provisions of this section, the Commission may, in writing, direct a notice or document to be given in any other manner. Commission may give written directions

(4) Despite the other provisions of this section, a notice or document shall be deemed to have been validly given Actual notice is sufficient

where it is proven that the contents of the notice or document actually came to the attention of the person for whom the notice or document was intended.

Parties to
application

100. The parties to an application are the person making the application, any person entitled to receive a copy of the application and any person added as a party by the Commission.

Changing
parties;
amending
applications

101. Where, in any proceedings under this Act, the Commission is of the opinion that,

- (a) a person who should have been included as a party has not been included as a party or that a party has been incorrectly named, the Commission shall, unless it would be unfair to do so, require that the person be substituted or added as a party to the proceedings, or be correctly named;
- (b) a person who has been included as a party should not be included as a party, the Commission shall require that the person be removed as a party to the proceedings; or
- (c) an amendment to the application is justified and fair, the Commission may direct the application be amended accordingly.

PROCEDURE OF COMMISSION

Commission
to mediate

102.—(1) Where an application has been made to the Commission, other than an application under section 126 (whole building rent review), the Commission shall enquire into the matter and shall assist the parties to the proceeding in attempting to settle the matter by agreement.

Frivolous or
vexatious
applications,
etc.

(2) The Commission may refuse to accept any application or to continue any proceeding, where in its opinion, the matter is trivial, frivolous, vexatious or has not been initiated in good faith.

Withdrawing
application

(3) An applicant may withdraw an application at any time before an order is made, but where the application is made under section 126, the application may only be withdrawn with the consent of the Commission.

Decision
to hold
hearing

103.—(1) Where an application is made under section 126 or where the Commission has enquired into the matter and is of the opinion that,

- (a) it is unlikely that the parties to a proceeding will be able to settle the matter by agreement; or
- (b) the urgency of having the matter resolved requires that a determination be made,

the Commission shall notify the parties and hold a hearing.

(2) A hearing under subsection 1 shall be held before a Commissioner and the Commissioner may exercise any of the powers of the Commission and an order of the Commissioner shall be deemed to be the order of the Commission.

Hearing to be before one Commissioner

(3) A Commissioner is not disqualified from holding a hearing and determining a matter by reason only of the fact that,

Commissioner not disqualified by reason of mediating, etc.

- (a) he attempted to assist the parties to the proceeding in settling the matter by agreement; or
- (b) he took part in an inquiry or inspection related to the dispute.

104.—(1) Where several different applications have been made to the Commission, and the Commission is of the opinion that it would be appropriate to determine the issues raised by the applications together, the Commission may hear and determine the issues in dispute at a common hearing.

Issues may be heard together

(2) Where the Commission is of the opinion that it would be appropriate to deal with some of the issues raised by an application at separate hearings, the Commission may direct that some of the issues be dealt with separately and may set additional hearing dates for the determination of those issues.

Issues may be heard separately

105.—(1) *The Statutory Powers Procedure Act, 1971* applies to proceedings by the Commission in the exercise of a statutory power of decision.

Application of 1971, c. 47

(2) The giving to a party of a copy of an application to the Commission shall be deemed to be compliance with section 8 of *The Statutory Powers Procedure Act, 1971*.

Deemed compliance

1971, c. 47

106. All parties to a proceeding under this Act are entitled to examine, and the Commission shall make available for examination, all material filed with the Commission relevant to the proceeding.

Parties may examine material

Commission
to question
parties, etc.

107. At the hearing, the Commission shall question the parties who are in attendance at the hearing and any witnesses, with a view to determining the truth concerning the matters in dispute.

Commission
may
investigate, etc.

108. The Commission may, before or during a hearing,

- (a) conduct any inquiry or inspection it considers necessary; and
- (b) question any person, by telephone or otherwise, concerning the dispute.

Commission
may consider
all relevant
information

109. In making its determination, the Commission may consider any relevant information obtained by the Commission in addition to the evidence given at the hearing, provided that it first informs the parties of the additional information and gives them an opportunity to explain or refute it.

Making of
order
applied for

110.—(1) After holding a hearing, and having regard to all the circumstances, where the Commission is satisfied that one or more orders that have been applied for is justified, it shall make that order or those orders.

Making of
other orders

(2) After holding a hearing and having regard to all the circumstances, where the Commission is satisfied that another order that could have been applied for is justified, it may make that other order.

Terms and
conditions

(3) The Commission may include in any order terms and conditions it considers proper in all the circumstances.

MATTERS RELATED TO COMMISSION ORDERS

Where
unfairness
will prevent
eviction

111. Where an application has been made by a landlord for an eviction order, the Commission shall refuse to make the eviction order where the Commission is satisfied, having regard to all the circumstances, that it would be unfair to evict the tenant.

Compensation
for
overholding

112.—(1) A landlord is entitled to compensation for the use and occupation of a rental unit by a tenant after his tenancy has been terminated.

Eviction
order to include
order for
compensation
for overholding

(2) Where the Commission makes an eviction order, it shall make an order requiring the tenant to compensate the

landlord for the use and occupation of the rental unit calculated for each day the tenant remains in occupation following the termination of the tenancy.

(3) Where a landlord obtains an order under subsection 2 or section 49 requiring a tenant to compensate him for the use and occupation of the rental unit, the landlord may, within thirty days of the date the tenant ceased to occupy the rental unit, file with the Commission a copy of the order and a statement in the prescribed form setting out the number of days that the tenant remained in occupation following the termination of the tenancy, and the Commission shall calculate the final amount due under the order and shall add a statement to the order setting out the final amount, which statement shall comprise a part of the order.

Settlement
of order
for
compensation
for
overholding

(4) The acceptance by the landlord of arrears of rent or compensation for use or occupation of the rental unit after a tenancy has been terminated does not operate as a waiver of the termination or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree.

Payment
by overholding
tenant does
not
reinstate
tenancy

(5) Where a tenant does not give up occupancy of the rental unit after his tenancy has been terminated and a person brings proceedings against the landlord to enforce a right to occupy the rental unit occupied by the tenant, the tenant is liable to the landlord for any compensation that the landlord is required to pay as a result of the tenant's failure to give up occupancy, and the landlord may add the tenant as a third party in the proceedings.

Liability of
overholding
tenant

113.—(1) Where under section 29 (vital services) or 43 (failure of landlord to comply with Commission order) the Commission directs a tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord or where a tenant has paid all or part of his rent to the Commission under subsection 6 of section 28 (landlord's responsibility to repair), the Commission may pay from the rent it receives such amount as the Commission considers necessary for the following purposes:

Use of
money where
rent paid to
Commission

1. To pay the tenant for any action authorized under clause *c* of subsection 4 of section 28 or clause *c* of subsection 2 of section 67.
2. To restore, or prevent the discontinuance of, the supply of a vital service.

(2) Where the rent received by the Commission exceeds the sum of,

Excess
paid to
landlord

- (a) any amount paid under subsection 1; and

- (b) the amount that in the opinion of the Commission is necessary to ensure compliance by the landlord with an order of the Commission or a court,

the Commission shall pay the excess to the landlord.

Periodic
review of
need to
hold rent

(3) Where the Commission is holding rent to ensure compliance by the landlord with an order of the Commission or a court, the Commission shall, on the request of the landlord, or in any event not less often than once a month, review the necessity of continuing to hold the rent.

Payment of
interest to
Treasurer

(4) Interest earned on moneys held by the Commission shall be paid to the Treasurer of Ontario.

Where tenant
may deduct
compensation
from rent

114.—(1) Where the Commission makes an order requiring a landlord to compensate a tenant, the Commission may make an order that the tenant recover the compensation by deducting a specified sum from his rent for a specified number of rent payment periods.

Where
compensation
to landlord may
be paid in
instalments

(2) Where the Commission makes an order requiring a tenant to compensate a landlord, the Commission may make an order permitting the tenant to pay the compensation by paying a specified sum together with his rent for a specified number of rent payment periods.

Lump sum
payments

(3) The Commission may, on the application of the landlord or the tenant, rescind an order made under subsection 1 or 2, and may order that any compensation still owing be paid in a lump sum.

Enforcement
of order for the
payment of
money

115.—(1) A certified copy of an order of the Commission for the payment of money may be filed with the Supreme Court or with a county or district court and, on being filed, the order has the same force and effect and all proceedings may be taken on it, as if it were a judgment of that court.

Variation
of order

(2) Where an order filed under subsection 1 is rescinded or varied, upon filing in accordance with subsection 1, the order or decision rescinding or varying the order previously made,

- (a) if the order or decision rescinds the order previously made, the order previously made ceases to have effect for the purposes of subsection 1; or
- (b) if the order or decision varies the order previously made, the order previously made as so varied may

be enforced in a like manner as an order or decision filed under subsection 1.

116.—(1) An order evicting a tenant, sub-tenant or occupant may be filed with the county or district court and, on being filed, has the same force and effect and all proceedings may be taken on it, as if it were an order of that court, and the clerk of the court shall issue a writ of possession. When writ of possession may issue

(2) An employee of the Commission may be appointed as a sheriff's officer and may obtain the assistance of one or more police officers for the purpose of enforcing writs of possession. Enforcement of writ of possession

APPEALS

117.—(1) Any party to an application who took part in the hearing may, within fifteen days of receiving the decision or order of a Commissioner, appeal the decision or order by filing a notice of appeal in the prescribed form with the Commission and promptly giving a copy of the notice, Appeal from order of Commissioner

(a) where a tenant is appealing a decision or order resulting from an application under section 126 (whole building rent review), to the landlord;

(b) where a landlord is appealing a decision or order resulting from an application under section 126, to the tenant of each rental unit in respect of which the appeal is brought; and

(c) in all other cases, to all other parties to the application who took part in the hearing.

(2) Despite the fact that a person did not appear at the hearing, he may apply to a member of the Board of Commissioners for permission to appeal and the member of the Board may, in his discretion, permit the person to appeal upon such terms and conditions as the member of the Board considers just. Permission to appeal

(3) The parties to the appeal are the person appealing, any person entitled to receive a copy of the notice of appeal and any person added as a party by the Commission. Parties to appeal

(4) Where a notice of appeal is filed under subsection 1, the Commissioner who made the order or decision being appealed Reasons to be given by Commissioner

shall, where he has not already done so, prepare reasons for the decision or order and give a copy of the reasons to each party to the appeal.

Findings
of fact
considered
true unless
objection
made

(5) The findings of fact set out in the reasons for the decision or order being appealed may be taken to be true unless, within seven days of the filing of the notice of appeal or receipt of a copy thereof, or within seven days of receiving the reasons, whichever is later, a party to the appeal files a statement in the prescribed form with the Commission and gives a copy of the statement to all other parties to the proceeding setting out,

- (a) the findings of fact set out in the reasons with which he disagrees; and
- (b) any facts he intends to prove at the hearing of the appeal that were not set out in the reasons.

Limitation of
evidence on
appeal

(6) At the hearing of the appeal, the introduction of evidence shall, unless the appeal panel otherwise directs, be limited to proving facts,

- (a) with which a party to the appeal has disagreed in a statement filed under subsection 5; or
- (b) which a party to the appeal has stated, in a statement filed under subsection 5, he intends to prove.

Composition
of appeal
panel

(7) The appeal shall be heard before an appeal panel composed of two Appeal Commissioners and one member of the Board of Commissioners, none of whom took part in the making of the decision or order being appealed.

Powers of
appeal panel

(8) After the hearing of the appeal, the appeal panel may,

- (a) affirm the decision or order of the Commissioner; or
- (b) make any decision or order that a Commissioner is authorized to make under this Act, and for such purposes the appeal panel may substitute its opinion for that of the Commissioner.

Appeal panel
may rehear
appeal

(9) The appeal panel may decide on its own motion to rehear an appeal where in its opinion there has been a serious error, and at such rehearing, the appeal panel may confirm, rescind, amend or replace any decision or order previously made.

Order of appeal
panel deemed
order of
Commission

(10) A decision or order of the appeal panel shall be deemed to be the decision or order of the Commission.

118.—(1) Any party to an appeal under section 117 may, Appeal to Divisional Court
on a question of law, appeal a decision or order of the Commission to the Supreme Court.

(2) An appeal under subsection 1 shall be by way of Appeal to be by stated case
stated case and the Commission shall, after service of the notice of appeal in accordance with the rules of the Supreme Court, upon the request of the person appealing, state a case in writing to the Supreme Court setting out the material facts found by the Commission and the grounds on which the decision or order is questioned.

(3) The Commission is entitled to be heard, by counsel or Commission entitled to be heard on appeal
otherwise, upon the argument of an appeal under this section.

(4) Where a case is stated under subsection 2, the Supreme Powers of Divisional Court
Court shall hear and determine the appeal and may,

- (a) affirm, rescind, amend or replace the decision or order;
- (b) cause the case to be sent back to the Commission for amendment and deliver judgment after it has been amended; or
- (c) remit the matter to the Commission with the opinion of the Supreme Court,

and may make,

- (d) any other order in relation to the matter that it considers proper; and
- (e) any order, with respect to costs, that it considers proper.

119. Unless otherwise ordered by,

Certain orders not stayed pending appeal

- (a) where an appeal is taken under section 117, a member of the Board of Commissioners; or
- (b) where an appeal is taken under section 118, a judge of the Supreme Court,

an appeal from an order made under any of the following provisions does not stay the order pending the hearing of the appeal:

1. Subsection 1 of section 17.
2. Subsection 2 of section 20.
3. Clause *a* of subsection 3 of section 25.
4. Clause *c* or *e* of subsection 4 of section 28.
5. Clause *a*, *d* or *e* of subsection 2 of section 29.
6. Subsection 4 of section 29.
7. Clause *a* or *d* of subsection 2 of section 30.
8. Clause *a* of subsection 3 of section 31.
9. Clause *a* or *c* of subsection 2 of section 36.
10. Clause *e* of subsection 2 of section 37.
11. Clause *a* or *d* of subsection 3 of section 38.
12. Section 39.
13. Clause *c* of subsection 2 of section 41.
14. Clause *b* of subsection 2 of section 42.
15. Section 43 or 44.
16. Clause *a* of section 49.
17. Section 50.
18. Subsection 1 of section 51.
19. Subsection 1 of section 52.
20. Section 54.
21. Section 56.
22. Subsection 3 of section 59.
23. Clause *a* of subsection 2 of section 62.
24. Clause *b* of subsection 13 of section 63.
25. Clause *a* of subsection 4 of section 64.
26. Clause *c* or *e* of subsection 2 of section 67.

PART X

MISCELLANEOUS

120. The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing, for the purposes of section 131, matters in respect of which the Commission may make findings;
- (b) exempting from Part XI rental units the monthly rental for which is \$750 or more;
- (c) prescribing fees for the purposes of section 89;
- (d) prescribing the form of assignments and subletting agreements and consents thereto;
- (e) prescribing the form of a notice of rent increase for the purposes of section 60;
- (f) prescribing the form of an inventory and of a written report for the purposes of section 63,
- (g) prescribing the form of an application to the Commission;
- (h) prescribing the form of a notice of appeal for the purposes of subsection 1 of section 117;
- (i) prescribing the form of a statement for the purposes of subsection 5 of section 117;
- (j) prescribing the form of a statement for the purposes of subsection 3 of section 112;
- (k) prescribing anything that by this Act may be prescribed.

121. Substantial compliance with the requirements of this Act respecting the contents of forms, notices or documents is sufficient unless the Commission is of the opinion that it would result in unfairness to any person. Substantial compliance with forms, etc., sufficient

122. Any person may, without let or hindrance, organize or participate in an association the purpose of which is to secure and enforce the rights established by this Act. Right to organize or participate in association

Offences

123.—(1) Any person who,

- (a) knowingly fails to obey an order of the Commission;
- (b) knowingly furnishes false information in any application, report or statement to the Commission under this Act or in any proceedings before the Commission;
- (c) knowingly breaches an obligation imposed upon him by subsection 1 or 2 of section 25 (changing of locks), subsection 1 of section 26 (right to privacy), subsection 1 of section 29 (withholding vital services), subsection 1 of section 31 (seizure of tenant's property), subsection 1 of section 32 (posting notice of legal name of landlord), subsection 1 or 2 of section 35 (entry of political canvassers); or
- (d) harasses a tenant for the purpose of forcing the tenant to vacate or abandon a rental unit,

and every director or officer of a corporation who knowingly concurs in the prohibited act is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.

Where
corporation
convicted

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000, and not as provided therein.

PART XI

RENT REVIEW

Only one
rent increase
per year

124. The rent charged for a rental unit shall not be increased more often than once in any twelve-month period.

Maximum
permitted
rent increase
without
application

125. Unless otherwise authorized under this Act, no landlord shall increase the rent charged for a rental unit by more than 6 per cent of the last rent that was charged for an equivalent rental period.

Application
by landlord

126.—(1) Where a landlord desires to increase the rent charged for a rental unit by more than the percentage referred to in section 125, he may apply to the Commission for an order permitting him to do so, whether or not the rental unit is the subject of a tenancy agreement at the time of application.

(2) When the landlord applies to the Commission for an order under subsection 1, he shall, as part of the same application, apply for a determination of the rents that may be charged for all of the rental units in the residential complex in which the units are situate when such units are rented or re-rented during the twelve-month period following the effective date of the first rent increase applied for, whether or not those units are the subject of tenancy agreements at the time of application. Whole building review

(3) An application under this section shall state the reasons for the intended increases and shall be made not less than sixty days before the effective date of the first intended rent increase that exceeds the percentage referred to in section 125. Reasons for and time of application

(4) Where an application is made under this section, the landlord shall, not later than fourteen days before the date of the hearing of the application, file with the Commission all the material on which he intends to rely in support of his application, but the Commission may direct the landlord to file additional material and the hearing shall not commence or proceed until the other parties have had an opportunity to examine the additional material. Filing of material

127.—(1) A tenant who desires to dispute any intended rent increase for his rental unit may apply to the Commission for an order requiring the landlord to reduce the amount of the rent increase. Application by tenant

(2) Subsection 1 does not apply to a rent increase that results in a rent not exceeding the maximum approved by the Commission for the applicable rental unit. Exception

(3) An application under this section shall be made not less than sixty days before the effective date of the intended rent increase. Time for application

128. Where a rental unit that has not been rented during the previous twelve-month period then becomes rented, the rent then charged shall form the basis for determining whether subsequent rent increases exceed the percentage referred to in section 125, provided that the rent charged is comparable to the average rent charged for similar rental units in the residential complex. Where vacant unit becomes rented

129.—(1) No tenant is liable to pay any rent increase in excess of that permitted to be charged under this Part. Tenant not liable to pay illegal rent increase

(2) Where, on the application of a tenant, the Commission determines that the tenant has paid an amount of rent that Remedy

1975.
(2nd Sess.)
c. 12

is in excess of that permitted by this Part or by *The Residential Premises Rent Review Act, 1975 (2nd Session)*, the Commission shall order that the landlord pay the excess to the tenant and shall declare the rent that may lawfully be charged.

Commission
may hear
application
under s. 126
although
notice of
rent increase
not yet given

130. Where under section 126 a landlord applies to the Commission for a determination of the rents that may be charged for all rental units in a residential complex, the Commission is empowered to hear the application and to determine the rent that may be charged for each rental unit despite the fact the landlord may not have, in respect of any rental unit, given notice under section 60 (notice of rent increase), but nothing in this section relieves the landlord from compliance with section 60.

Commission
determination
of total
rent increase

131.—(1) Where an application is made by a landlord under section 126, the Commission shall determine the total rent increase for the residential complex that is justified by,

- (a) the findings of the Commission concerning operating costs, financing costs and capital expenditures that the landlord has experienced or will experience in respect of the residential complex;
- (b) the findings of the Commission concerning a financial loss that the landlord has experienced or will experience in respect of the residential complex;
- (c) the findings of the Commission concerning an improvement or deterioration in the standard of maintenance and repair of the residential complex or any rental unit located therein;
- (d) the findings of the Commission concerning matters prescribed by the regulations.

Limitation on
consideration
of financing
costs

(2) In reaching its findings concerning financing costs under clause *a* of subsection 1, the Commission shall consider increases in financing costs resulting from the landlord's purchase of the residential complex only to the extent necessary to prevent a financial loss by the landlord.

Relief of
hardship

(3) When the total rent increase for the residential complex has been determined under subsection 1, if the resulting gross revenue does not exceed the costs found under clause *a* of subsection 1 by at least 2 per cent, the Commission may, where it considers it necessary to relieve the landlord from hardship, allow the landlord the additional revenue required to raise the gross revenue to not more than 2 per cent above the costs found.

(4) In apportioning the total rent increase determined under subsections 1 and 3 amongst the rental units in the residential complex, the Commission may take into account the following matters:

Apportionment
of total rent
increase

1. The rent schedule proposed by the landlord in his application.
2. Variations, and the reasons therefor, in the rents being charged by the landlord for similar rental units within the residential complex.
3. Rents and variations in the rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.

(5) Where the Commission has determined and apportioned the total rent increase under this section,

Order setting
maximum
rent chargeable
for each unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for each rental unit that is under review and the date the rents may take effect; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Commission in setting the maximum rent for a rental unit.

132.—(1) Where an application is made by a tenant under section 127, in determining a rent increase for the rental unit, the Commission shall, except where there has been an application under section 126 (whole building rent review), consider only the following matters:

Considerations
where tenant
applies

1. Variations, and the reasons therefor, in the rents being charged by the landlord for similar rental units within the residential complex.
2. Rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.
3. An improvement or deterioration shown to have occurred in the standard of maintenance and repair that affects the rental unit.

(2) Where the Commission has made a determination on the application,

Order setting
maximum
rent chargeable
for the unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for the rental unit under review; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Commission setting the maximum rent for the rental unit.

Rent
chargeable
until order
takes effect

133. Where a notice of an intended rent increase has been given under section 60, a rent increase up to the lesser of,

- (a) the intended rent increase specified in the notice; and
- (b) the limit imposed by section 125,

may be charged and collected by the landlord until such time as the Commission's order setting the maximum rent that may be charged for the rental unit takes effect.

Exemptions

134.—(1) The following rental units are exempt from this Part:

- (a) a rental unit situate in a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof;
- (b) a rental unit situate in a non-profit housing project, rents for which are subject to the approval of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof, or situate in a non-profit co-operative housing project as defined in the *National Housing Act* (Canada);
- (c) a rental unit situate in a building, no part of which was occupied as a rental unit before the 1st day of January, 1976;
- (d) a rental unit that is a mobile home or mobile home site that was not occupied as a rental unit before the 1st day of January, 1976;
- (e) a rental unit the monthly rental for which is \$750 or more, if the Lieutenant Governor in Council has,

R.S.C. 1970,
c. N-10

by regulation made after the 31st day of December, 1979, exempted such premises from the provisions of this Part;

(f) a rental unit not otherwise exempt from this Act that is provided by an educational institution to a student or member of its staff except that, where there is a council or association representing the residents, the exemption does not apply in respect of a rent increase unless there has been consultation with the council or association respecting the increase;

(g) a rental unit situate in a residential complex owned, operated or administered by a religious institution for a charitable use on a non-profit basis.

(2) This Part does not apply to a rent increase to a tenant in subsidized public housing who is occupying a rental unit other than a unit referred to in clause *a* or *b* of subsection 1, but this Part does apply to the unit itself.

(3) Where a landlord, by reason of the existence of depressed economic conditions in a local municipality, designated by order of the Minister, reduces a tenant's rent, and thereafter, not sooner than twelve months after the reduction took effect, desires to increase the rent, the landlord may increase the rent to,

(a) the maximum rent that could have been charged by the landlord for the rental unit at the date of the intended increase without applying to the Commission under section 126 had the rent not been decreased; or

(b) the current maximum rent previously established by the Commission on an application made under section 126.

PART XII

REPEALING AND TRANSITIONAL

135.—(1) The title to *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Commercial Tenancies Act

(2) Clause *c* of section 1 of the said Act, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 13, section 1, is repealed.

R.S.O. 1970,
c. 236, s. 2,
re-enacted

(3) Section 2 of the said Act is repealed and the following substituted therefor.

Application
1979, c. ...

2. This Act does not apply to tenancies and tenancy agreements to which *The Residential Tenancies Act, 1979*, applies.

Pt. IV
(ss. 81-116),
repealed

(4) Part IV of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, and 1975 (2nd Session) chapter 13, sections 2 to 4, subsection 1 of section 5 and sections 6 to 10, is repealed.

R.S.O. 1970,
c. 223,
s. 2,
amended

136.—(1) Section 2 of *The Innkeepers Act*, being chapter 223 of the Revised Statutes of Ontario, 1970, is amended by striking out “boarding-house keeper or lodging-house keeper”, “boarder or lodger” and “boarding house or lodging house” where those expressions occur.

s. 3,
amended

(2) Section 3 of the said Act is amended by striking out “boarding-house keeper, lodging-house keeper” and “boarding house, lodging house” where those expressions occur.

s. 7,
amended

(3) Section 7 of the said Act is amended by striking out “lodging-house keeper or boarding-house keeper” where that expression occurs.

Notice
of rent
increase

137. For a period of six months following the day section 60 of this Act comes into force, a notice that before the repeal of Part IV of *The Landlord and Tenant Act* would have complied with subsection 1 of section 115 of that Act, shall be deemed to be sufficient notice for the purposes of subsection 1 of section 60 of this Act.

Application
of Part XI

138. Part XI applies only to applications made in respect of rent increases intended to take effect on and after the 1st of December, 1979.

Transitional
on repeal of
R.S.O. 1970,
c. 236,
Part IV

139.—(1) Where, before the day the repeal of Part IV of *The Landlord and Tenant Act* takes effect,

- (a) circumstances arise that give grounds for making an application under Part IV of *The Landlord and Tenant Act*; or
- (b) an application is made under Part IV of *The Landlord and Tenant Act*,

then despite the repeal of Part IV by section 135 of this Act, Part IV of that Act continues in force for the purposes of and applies to,

- (c) making an application in the case mentioned in clause *a* and hearing and making orders in respect of that application or in respect of an application mentioned in clause *b*, and appeals from such orders; and

(d) enforcing orders made under Part IV of that Act,

and Parts I to X of this Act do not apply to applications made or entitled to be made under Part IV of *The Landlord and Tenant Act* by reason of this section.

(2) This Act applies to tenancies under tenancy agreements entered into or renewed before and subsisting on the day this Act comes into force or entered into on or after that day. Application to existing tenancies

140. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

141. The short title of this Act is *The Residential Tenancies Act, 1979*. Short title

SCHEDULE

STANDARD RESIDENTIAL

TENANCY AGREEMENT

INSTRUCTIONS FOR LANDLORD AND TENANT

IF YOU HAVE ANY QUESTIONS CONCERNING THIS TENANCY AGREEMENT OR YOUR RIGHTS AND OBLIGATIONS UNDER *THE RESIDENTIAL TENANCIES ACT, 1979*, YOU ARE INVITED TO ASK THE RESIDENTIAL TENANCY COMMISSION FOR ASSISTANCE. THE COMMISSION HAS BEEN ESTABLISHED TO ADVISE AND ASSIST THE PUBLIC ON ALL RESIDENTIAL TENANCY MATTERS. IN ADDITION, THE COMMISSION HAS POWER TO MEDIATE AND DECIDE DISPUTES BETWEEN LANDLORDS AND TENANTS.

This is the Standard Residential Tenancy Agreement, established under *The Residential Tenancies Act, 1979*. This agreement is applicable to all residential tenancies in Ontario.

The agreement must be signed by both the landlord and the tenant, or their agents.

Two copies of the agreement must be completed, one of which is to be given to the tenant.

No part of the tenancy agreement may be altered or deleted, but additional benefits and obligations may be added.

TENANCY AGREEMENT

This tenancy agreement is made between:

_____, the landlord

Name

Address

Telephone

— and —

Name(s)

_____, the tenant.

Rental
Unit

1. The landlord will rent to the tenant and the tenant will rent from the landlord the following rental unit:

Apt. No. Street Name and Number

(or other
appropriate
description)

City, Town, etc.

Postal Code

2. COMPLETE EITHER (a) OR (b) AND CHECK (✓) WHICH IS APPLICABLE:

Nature
and
Duration
of
Tenancy

- ☐ (a) The tenancy is for a fixed term beginning on the _____ day of _____, 19____ and ending on the _____ day of _____, 19____. (The tenancy will then automatically renew as a monthly tenancy unless terminated under *The Residential Tenancies Act, 1979*);

- ☐ (b) The tenancy is periodic (e.g. weekly, monthly, etc.) beginning on the _____ day of _____, 19____ and running from _____ (week to week, month to _____ month, etc., as the case may be)

3. (a) The rent for the rental unit is \$_____ per _____ Rent (week, month, _____, payable in advance etc., as the case may be) for the duration of the tenancy. The first payment is \$_____ (pro-rated as necessary) and thereafter \$_____ per _____, payable on the (week, month, etc., as the case may be) _____ day of every _____ (week, month, etc., as the case may be)

Rent payments are to be made to _____ (Name and address _____ where payment to be made)

- (b) The rent mentioned above includes payment for all services and facilities (e.g. parking, utilities, appliances, etc.) promised by the landlord, including:

Provision of the following services and facilities is the responsibility of the tenant: _____

Rent
Deposit

4. THIS PROVISION IS OPTIONAL. CHECK THE BOX
(✓) IF THE PROVISION IS TO APPLY: ☐

(a) The tenant agrees to pay the landlord a rent deposit
in the amount of \$ —, which will be applied only
in payment of rent for the period immediately
preceding the termination of the tenancy.

(b) The landlord will pay annually to the tenant interest
on the rent deposit at the rate of 9 per cent per year.

The interest will be paid on _____
of each year. (Insert date)

Residential
Tenancies
Act

5. The landlord and the tenant promise to comply with all
obligations imposed on them by *The Residential Tenancies
Act, 1979*.

Additional
Obligations

6. The landlord and the tenant promise to comply with any
additional obligations set out below.

(NOTE: *Additional benefits and obligations cannot conflict
with The Residential Tenancies Act, 1979, and where an
obligation concerns the tenant's use, occupancy or maintenance
of the rental unit or residential complex or use of services and
facilities provided by the landlord, the obligation cannot be
enforced unless it is reasonable in all the circumstances*).

Reasonable
Rules

7. The tenant promises to comply with the rules concerning
the tenant's use, occupancy or maintenance of the rental
unit or residential complex or use of services and facilities
provided by the landlord that are set out below and as may,
from time to time, be established or modified by the
landlord, provided that the rules are in writing, made
known to the tenant and reasonable in all the circumstances.

Signature of Landlord or authorized agent

Date

Signature of Tenant(s)

With regard to paragraphs 6 and 7 of this tenancy agreement, the landlord and tenant are referred to section 6 of *The Residential Tenancies Act, 1979* which provides:

6.—(1) In addition to the benefits and obligations contained in the form of tenancy agreement set out in the Schedule, a landlord and tenant may provide in a written tenancy agreement for other benefits and obligations which do not conflict with this Act, but where an obligation concerns the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord, the obligation cannot be enforced unless it is reasonable in all the circumstances. Additions
to standard
form

(2) A landlord shall not establish or modify, nor can he enforce, rules concerning the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord unless they are in writing, made known to the tenant and reasonable in all the circumstances. House
rules to be
reasonable

(3) Unless shown to be otherwise, for the purposes of this section, a rule or obligation is reasonable where it is, Where rule
reasonable

(a) intended to,

(i) promote fair distribution of services and facilities to the occupants of the residential complex,

(ii) promote the safety or welfare of persons working or residing in the residential complex, or

(iii) protect the landlord's property from abuse;

(b) reasonably related to the purpose for which it is intended;

(c) applicable to all tenants in a fair manner; and

(d) sufficiently clear in its prohibition, direction or limitation of the tenant's conduct to inform him of what he must do or must not do in order to comply with it.

Determination
of
reasonableness

(4) A landlord or a tenant may apply to the Commission to determine whether a rule or obligation is reasonable in all the circumstances.

Where
compliance
order not to
issue

(5) Where the Commission determines that the tenant has breached the obligation imposed by subsection 1 of section 40 (compliance with additional obligations), no order shall be made under clause *a* or *b* of subsection 4 of section 40 unless the Commission is of the opinion that the breach has resulted in damage beyond ordinary wear and tear to the rental unit or residential complex or unreasonable interference with,

(*a*) the safety; or

(*b*) the enjoyment for all usual purposes by the landlord or any tenant or members of their households,

of the residential complex or any rental unit.

An Act to reform the Law
respecting Residential Tenancies

1st Reading

March 6th, 1979

2nd Reading

March 6th, 1979

3rd Reading

June 21st, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Assessment Act

THE HON. L. MAECK
Minister of Revenue



EXPLANATORY NOTES

General

The purpose of this Bill is,

- (a) to postpone to December, 1980 the return of assessment at market value;
- (b) to provide a clear code of procedure for equalization of assessments pursuant to section 86 of the Act;
- (c) to make certain amendments to *The Assessment Act* and to *The Power Corporation Act* to prevent the erosion of the municipal tax base by the application of the 1979 equalization factors to earlier statutory fixed assessments for pipe lines and Ontario Hydro.

SECTION 1. The amendment provides that the pipe line assessment fixed by section 33 of the Act is not to be adjusted by the equalization factors returned in municipalities under section 71 of the Act in 1979. Such adjustment would, if it occurred, considerably reduce the taxes to be levied by municipalities from pipe lines since the statutory assessment for the pipe lines has not been adjusted to 1978 values to match the values used to determine the equalization factors produced in 1979. Section 33 (5) of the Act now reads:

- (5) *The assessment of pipe lines in each municipality determined under subsection 4 shall be adjusted by the application of the latest equalization factor provided by the Ministry.*

SECTION 2.—Subsection 1. The purpose of the amendment is to add clause *f* to subsection 1 of section 86 of the Act to provide that assessments at market value will not be returned in 1979.

Subsection 2. The amendment adds subsection 3 to section 86 of the Act to provide specific provisions for regulations by the Minister to set standards and procedures for an equalization pursuant to section 86 of assessments within classes of real property. The principal points of the subsection are,

- (a) that it comes into operation only upon the request of a municipality;
- (b) that it allows equalization of assessments within a prescribed class of real property, but the relative level of assessment between classes is not to be affected; and
- (c) except for additions to a class by way of supplementary assessments, the equalization within classes of assessment is not to alter the proportion of municipal tax borne by each class in the municipality.

In the commencement section of the Bill, the amendment proposed here will be brought into force on January 1st, 1979, and specific provision will be made to provide that two regulations for the equalization of assessments in fourteen municipalities are to be deemed to have been made under the subsection to be added by this amendment to section 86 of the Act. This will clarify the authority for these regulations and others similar to them and will avoid any inconsistencies between the application of the provision proposed in this amendment and the provisions of section 2 (1) (c) of the Act under the authority of which the earlier regulations were made.

BILL 164

1979

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 33 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 33 (5),
re-enacted

(5) The assessment of pipe lines in each municipality determined under subsection 4 shall be adjusted by the application of the equalization factor in use in the municipality for the year 1978 pursuant to section 71. Adjustment of
assessment

- 2.—(1) Subsection 1 of section 86 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 65, section 1 and amended by 1977, chapter 56, section 1 and 1978, chapter 73, section 1, is further amended, s. 86 (1),
amended

(a) by striking out “and” at the end of clause *d* as inserted by the 1978 amendment;

(b) by adding “and” at the end of clause *e*; and

(c) by striking out all that part of the subsection immediately following clause *e* and inserting in lieu thereof,

(f) subject to subsection 2, the assessment roll of a municipality to be returned in the year 1979 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1978 for taxation in the year 1979 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1980 is returned,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975, 1976, 1977, 1978 or 1979 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 86,
amended

- (2) The said section 86 is amended by adding thereto the following subsection:

Equalization of
assessment
within a
municipality

(3) Where the Minister considers that, within any class or classes of real property in a municipality, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, he may, if so requested by a resolution of the council of such municipality, direct that such changes be made in the assessment to be contained in the assessment roll next to be returned in that municipality as will, in his opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister may, for that purpose, make regulations,

- (a) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class in the municipality;
- (b) prescribing the classes of real property into which the real property in the municipality shall be divided for the purpose of this subsection;
- (c) providing that any equalization of assessment pursuant to clause *a* shall not alter, as between classes of real property in the municipality, the relative level of assessment at market value previously existing between or among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equity of assessment within each class; or
- (d) providing that an equalization pursuant to clause *a* shall not, except so far as is necessary to give effect to section 43, section 87 or subsection 2 of this section, alter the proportion that the municipal tax attributable to a class of real property for the year in which the equalization is directed to be made is of the total municipal tax for that year.

SECTION 3. The amendment is consequential on the postponement of the return of assessments at market value. Section 95 of the Act now reads:

- 95. Section 90 ceases to be in force on the 18th day of December, 1979, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1979.*

SECTION 4. The amendment is consequential on the postponement of the return of assessments at market value. Section 96 (1) of the Act now reads:

- (1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1979.*

SECTION 5. The amendment is consequential on the postponement of the return of assessments at market value. Section 97 (2) of the Act now reads:

- (2) The Lieutenant Governor by his proclamation may name a day earlier than the 1st day of January, 1980 upon which the provisions of this Act referred to in section 96 shall cease to be inoperative and shall come into force in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and upon the making of the proclamation such provisions shall cease to be inoperative and shall come into force in the named or described municipality or territory without municipal organization comprised in a locality upon the day named in the proclamation.*

SECTION 6. The purpose of this amendment is similar to that described in section 1 of the Bill. Section 47 (3) of *The Power Corporation Act* now reads:

- (3) In addition to the amounts payable under subsection 2, the Corporation shall pay in each year to any municipality in which are situated generating station buildings or transformer station buildings owned by and vested in the Corporation the total amount that all rates except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes would produce based on an assessed value of such buildings to be determined on the basis of \$8 for each square foot of inside ground floor area of the actual buildings housing the generating, transforming and auxiliary equipment and machinery multiplied by the equalization factor used in that year by the Ministry of Revenue.*

The statutory assessment of \$8 per square foot could not be adjusted to a 1978 equivalent to make it consistent with the other valuations in a municipality on which equalization factors under section 71 of the Act were produced in 1979. To apply the factor produced in 1979 to the property specified in section 47 (3) of *The Power Corporation Act* would significantly reduce the amount of assessment available to a municipality for taxation. To avoid this result, the amendment proposes to retain the 1978 equalization factor so that no reduction in assessment will occur for this class of property owned by Ontario Hydro.

3. Section 95 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 73, section 2, is repealed and the following substituted therefor: s. 95,
re-enacted

95. Section 90 ceases to be in force on the 16th day of December, 1980, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1980. Application

4. Subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 73, section 3, is repealed and the following substituted therefor: s. 96 (1),
re-enacted

(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1980. Application

5. Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2 and amended by 1975 (2nd Session), chapter 2, section 3, 1977, chapter 56, section 4 and 1978, chapter 73, section 4, is further amended by striking out "1980", as inserted in the third line by the 1978 amendment, and inserting in lieu thereof "1981". s. 97 (2),
amended

6. Subsection 3 of section 47 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 73, is further amended by striking out "used in that year" in the eleventh line and inserting in lieu thereof "used in the year 1978". R.S.O. 1970,
c. 354, s. 47 (3),
amended

- 7.—(1) This Act, except sections 1 to 6, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1, subsection 2 of section 2 and sections 4 and 6 shall be deemed to have come into force on the 1st day of January, 1979 and apply in respect of any assessment made on or after the 1st day of January, 1979 for taxation in the year 1979 or any following year, and for greater certainty it is declared that Ontario Regulations 82/79 and 133/79 are deemed to have been made and authorized pursuant to subsection 3 of section 86 of *The Assessment Act*. Idem

(3) Subsection 1 of section 2 and sections 3 and 5 come into force on the 1st day of December, 1979. Idem

8. The short title of this Act is *The Assessment Amendment Act, 1979*. Short title

BILL 164

An Act to amend
The Assessment Act

1st Reading

November 6th, 1979

2nd Reading

3rd Reading

THE HON. L. MAECK
Minister of Revenue

(Government Bill)

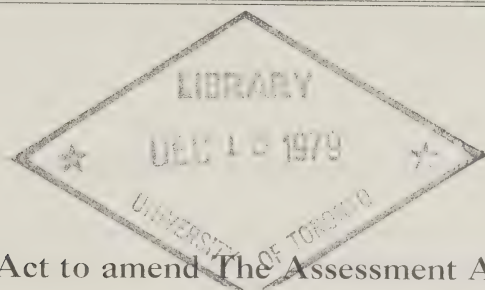
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CONFIDENTIAL

3
1/ BILL 164

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

2/10/79



An Act to amend The Assessment Act

THE HON. L. MAECK
Minister of Revenue

BILL 164

1979

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 33 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 33 (5),
re-enacted

(5) The assessment of pipe lines in each municipality determined under subsection 4 shall be adjusted by the application of the equalization factor in use in the municipality for the year 1978 pursuant to section 71. Adjustment of
assessment

- 2.—(1) Subsection 1 of section 86 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 65, section 1 and amended by 1977, chapter 56, section 1 and 1978, chapter 73, section 1, is further amended, s. 86 (1),
amended

(a) by striking out “and” at the end of clause *d* as inserted by the 1978 amendment;

(b) by adding “and” at the end of clause *e*; and

(c) by striking out all that part of the subsection immediately following clause *e* and inserting in lieu thereof,

(f) subject to subsection 2, the assessment roll of a municipality to be returned in the year 1979 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1978 for taxation in the year 1979 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1980 is returned,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975, 1976, 1977, 1978 or 1979 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 86.
amended

- (2) The said section 86 is amended by adding thereto the following subsection:

Equalization of
assessment
within a
municipality

(3) Where the Minister considers that, within any class or classes of real property in a municipality, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, he may, if so requested by a resolution of the council of such municipality, direct that such changes be made in the assessment to be contained in the assessment roll next to be returned in that municipality as will, in his opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister may, for that purpose, make regulations,

- (a) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class in the municipality;
- (b) prescribing the classes of real property into which the real property in the municipality shall be divided for the purpose of this subsection;
- (c) providing that any equalization of assessment pursuant to clause *a* shall not alter, as between classes of real property in the municipality, the relative level of assessment at market value previously existing between or among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class; or
- (d) providing that an equalization pursuant to clause *a* shall not, except so far as is necessary to give effect to section 43, section 87 or subsection 2 of this section, alter the proportion that the municipal tax attributable to a class of real property for the year in which the equalization is directed to be made is of the total municipal tax for that year.

3. Section 95 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 73, section 2, is repealed and the following substituted therefor: s. 95, re-enacted
95. Section 90 ceases to be in force on the 16th day of December, 1980, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1980. Application
4. Subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 73, section 3, is repealed and the following substituted therefor: s. 96 (1), re-enacted
- (1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1980. Application
5. Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2 and amended by 1975 (2nd Session), chapter 2, section 3, 1977, chapter 56, section 4 and 1978, chapter 73, section 4, is further amended by striking out "1980", as inserted in the third line by the 1978 amendment, and inserting in lieu thereof "1981". s. 97 (2), amended
6. Subsection 3 of section 47 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 73, is further amended by striking out "used in that year" in the eleventh line and inserting in lieu thereof "used in the year 1978". R.S.O. 1970, c. 354, s. 47 (3), amended
- 7.—(1) This Act, except sections 1 to 6, comes into force on the day it receives Royal Assent. Commence-ment
- (2) Section 1, subsection 2 of section 2 and sections 4 and 6 shall be deemed to have come into force on the 1st day of January, 1979 and apply in respect of any assessment made on or after the 1st day of January, 1979 for taxation in the year 1979 or any following year, and for greater certainty it is declared that Ontario Regulations 82/79 and 133/79 are deemed to have been made and authorized pursuant to subsection 3 of section 86 of *The Assessment Act*. Idem
- (3) Subsection 1 of section 2 and sections 3 and 5 come into force on the 1st day of December, 1979. Idem
8. The short title of this Act is *The Assessment Amendment Act, 1979*. Short title

An Act to amend
The Assessment Act

1st Reading

November 6th, 1979

2nd Reading

November 27th, 1979

3rd Reading

November 30th, 1979

THE HON. L. MAECK
Minister of Revenue

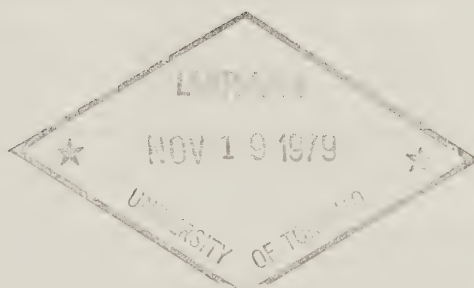
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BILL 165

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Corporations Tax Act, 1972

THE HON. L. MAECK
Minister of Revenue



EXPLANATORY NOTE

The Bill re-enacts section 167 of the Act to provide that, in future, a lien under the Act will be upon real property only and will arise only upon registration in the proper land registry office of a notice claiming the lien.

The re-enacted section also provides that all existing unregistered liens, except as otherwise provided, are discharged.

Section 167 of the Act now reads as follows:

- 167.—(1) All taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act in respect of any taxation year of a corporation that commenced in any calendar year ending after the 31st day of December, 1972 are debts due to Her Majesty and, subject to the Bankruptcy Act (Canada), are a first lien and charge upon property in Ontario of the corporation liable to pay such taxes, interest, penalties, costs and other amounts.*
- (2) At the expiry of each calendar year following 1977, the reference in subsection 1 to "1972" shall be advanced by one year.*
- (2a) Subsections 1 and 2 do not apply to extinguish or remove any lien or charge that is claimed under this or any predecessor Act in a Notice of Lien that is registered in the proper land registry office.*
- (3) Upon such conditions as he may impose, the Minister may abandon, postpone, release or waive with respect to all or any part of the property of a corporation any lien and charge for taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act.*

BILL 165

1979

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 167 of *The Corporations Tax Act, 1972*, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 32 and 1977, chapter 58, section 25, is repealed and the following substituted therefor: s. 167.
re-enacted

167.—(1) All taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act in respect of any taxation year of a corporation are, upon the registration by the Minister in the proper land registry office of a notice claiming the first lien and charge conferred by this section, a first lien and charge upon real property in Ontario or any interest therein of the corporation liable to pay such taxes, interest, penalties, costs and other amounts. Lien upon
real
property
in respect
of taxes
and other
amounts
imposed

(2) The first lien and charge conferred by subsection 1 is in respect of all taxes, interest, penalties, costs and other amounts for which the corporation is liable at the time of registration of the notice and all taxes, interest, penalties, costs and other amounts for which the corporation becomes liable thereafter while the notice remains registered, and such first lien and charge has priority over all encumbrances or claims registered or attaching to the subject property subsequent to the registration of the notice. Amounts
included
and
priority

(3) Any property of any kind that is, by virtue of any predecessor of this section, subject to a first lien and charge that is not registered in the proper land registry office, is absolutely discharged from such unregistered first lien and charge unless, in the case of real property, in any proceeding a claim has been made or other steps taken by the Minister with respect to such unregistered first lien and charge and, prior to the 1st day of December, 1979, a notice of such first lien and charge has been registered by the Minister in the proper land registry office. Unregistered
liens
discharged

Where
corporation
is not a
registered
owner

(4) Where a corporation has an interest in real property but is not shown as the registered owner thereof in the proper land registry office,

- (a) the notice to be registered under subsection 1 shall recite the interest of the corporation in the real property; and
- (b) a copy of the notice registered under subsection 1 shall be sent to the registered owner at his address to which the latest notice of assessment under *The Assessment Act* has been sent.

R.S.O. 1970.
c. 32

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Corporations Tax Amendment Act, 1979*.

BILL 165

An Act to amend
The Corporations Tax Act, 1972

1st Reading

November 6th, 1979

2nd Reading

3rd Reading

THE HON. L. MAECK
Minister of Revenue

(Government Bill)

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BILL 165

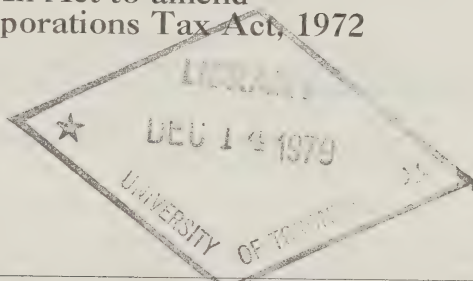
Government Bill

Government
Publications

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

2. Legislation

**An Act to amend
The Corporations Tax Act, 1972**



THE HON. L. MAECK
Minister of Revenue

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill re-enacts section 167 of the Act to provide that, in future, a lien under the Act will be upon real property only and will arise only upon registration in the proper land registry office of a notice claiming the lien.

The re-enacted section also provides that all existing unregistered liens, except as otherwise provided, are discharged.

Section 167 of the Act now reads as follows:

- 167.—(1) *All taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act in respect of any taxation year of a corporation that commenced in any calendar year ending after the 31st day of December, 1972 are debts due to Her Majesty and, subject to the Bankruptcy Act (Canada), are a first lien and charge upon property in Ontario of the corporation liable to pay such taxes, interest, penalties, costs and other amounts.*
- (2) *At the expiry of each calendar year following 1977, the reference in subsection 1 to "1972" shall be advanced by one year.*
- (2a) *Subsections 1 and 2 do not apply to extinguish or remove any lien or charge that is claimed under this or any predecessor Act in a Notice of Lien that is registered in the proper land registry office.*
- (3) *Upon such conditions as he may impose, the Minister may abandon, postpone, release or waive with respect to all or any part of the property of a corporation any lien and charge for taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act.*

BILL 165

1979

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 167 of *The Corporations Tax Act, 1972*, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 32 and 1977, chapter 58, section 25, is repealed and the following substituted therefor: s. 167,
re-enacted

167.—(1) All taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act in respect of any taxation year of a corporation are, upon the registration by the Minister in the proper land registry office of a notice claiming the first lien and charge conferred by this section, a first lien and charge upon real property in Ontario or any interest therein of the corporation liable to pay such taxes, interest, penalties, costs and other amounts. Lien upon
real
property
in respect
of taxes
and other
amounts
imposed

(2) The first lien and charge conferred by subsection 1 is in respect of all taxes, interest, penalties, costs and other amounts for which the corporation is liable at the time of registration of the notice and all taxes, interest, penalties, costs and other amounts for which the corporation becomes liable thereafter while the notice remains registered, and such first lien and charge has priority over all encumbrances or claims registered or attaching to the subject property subsequent to the registration of the notice. Amounts
included
and
priority

(3) Any property of any kind that is, by virtue of any predecessor of this section, subject to a first lien and charge that is not registered in the proper land registry office, is absolutely discharged from such unregistered first lien and charge unless, in the case of real property, in any proceeding a claim has been made or other steps taken by the Minister with respect to such unregistered first lien and charge and, prior to the 31st day of January, 1980, a notice of such first lien and charge has been registered by the Minister in the proper land registry office. Unregistered
liens
discharged

Where
corporation
is not a
registered
owner

(4) Where a corporation has an interest in real property but is not shown as the registered owner thereof in the proper land registry office,

(a) the notice to be registered under subsection 1 shall recite the interest of the corporation in the real property; and

(b) a copy of the notice registered under subsection 1 shall be sent to the registered owner at his address to which the latest notice of assessment under *The Assessment Act* has been sent.

R.S.O. 1970,
c. 32

Leasehold
interests

(5) In this section, "real property" includes any interest of a corporation as lessee of real property.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Corporations Tax Amendment Act, 1979*.

An Act to amend
The Corporations Tax Act, 1972

1st Reading

November 6th, 1979

2nd Reading

November 27th, 1979

3rd Reading

THE HON. L. MAECK
Minister of Revenue

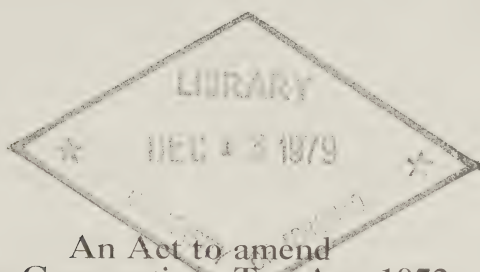
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Committee of the Whole House)*

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11 BILL 165

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

2/ Legislative services



An Act to amend
The Corporations Tax Act, 1972

THE HON. L. MAECK
Minister of Revenue

BILL 165

1979

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 167 of *The Corporations Tax Act, 1972*, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 32 and 1977, chapter 58, section 25, is repealed and the following substituted therefor:

167.—(1) All taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act in respect of any taxation year of a corporation are, upon the registration by the Minister in the proper land registry office of a notice claiming the first lien and charge conferred by this section, a first lien and charge upon real property in Ontario or any interest therein of the corporation liable to pay such taxes, interest, penalties, costs and other amounts.

s. 167,
re-enacted

Lien upon
real
property
in respect
of taxes
and other
amounts
imposed

(2) The first lien and charge conferred by subsection 1 is in respect of all taxes, interest, penalties, costs and other amounts for which the corporation is liable at the time of registration of the notice and all taxes, interest, penalties, costs and other amounts for which the corporation becomes liable thereafter while the notice remains registered, and such first lien and charge has priority over all encumbrances or claims registered or attaching to the subject property subsequent to the registration of the notice.

Amounts
included
and
priority

(3) Any property of any kind that is, by virtue of any predecessor of this section, subject to a first lien and charge that is not registered in the proper land registry office, is absolutely discharged from such unregistered first lien and charge unless, in the case of real property, in any proceeding a claim has been made or other steps taken by the Minister with respect to such unregistered first lien and charge and, prior to the 31st day of January, 1980, a notice of such first lien and charge has been registered by the Minister in the proper land registry office.

Unregistered
liens
discharged

Where
corporation
is not a
registered
owner

(4) Where a corporation has an interest in real property but is not shown as the registered owner thereof in the proper land registry office,

(a) the notice to be registered under subsection 1 shall recite the interest of the corporation in the real property; and

(b) a copy of the notice registered under subsection 1 shall be sent to the registered owner at his address to which the latest notice of assessment under *The Assessment Act* has been sent.

R.S.O. 1970,
c. 32

Leasehold
interests

(5) In this section, "real property" includes any interest of a corporation as lessee of real property.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Corporations Tax Amendment Act, 1979*.

An Act to amend
The Corporations Tax Act, 1972

1st Reading

November 6th, 1979

2nd Reading

November 27th, 1979

3rd Reading

November 29th, 1979

THE HON. L. MAECK
Minister of Revenue

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide for the Registration of Non-resident
Ownership of Agricultural Land in Ontario

MR. EATON



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for the registration of non-resident ownership interests in agricultural land in Ontario. The Bill requires any person who is not a resident of Ontario and who owns twenty-five or more acres of agricultural land in Ontario to submit a report in the prescribed form to the Minister of Agriculture and Food. A non-resident must also submit a report if a resident person acquires or holds an interest in twenty-five or more acres of agricultural land on behalf of the non-resident. If a report is not submitted within the time period specified in the Bill, the non-resident commits an offence and is liable to pay a fine.

BILL 166

1979

**An Act to provide
for the Registration of Non-resident Ownership
of Agricultural Land in Ontario**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) “agricultural land” means land that,

(i) under a by-law passed under section 35 of *The Planning Act*, or under an order made under section 32 of that Act, is zoned for agricultural use, or

R.S.O. 1970,
c. 349

(ii) is assessed under *The Assessment Act*, or is actually used as farm or agricultural land, woodlands or an orchard;

R.S.O. 1970,
c. 32

(b) “conveyance” includes any instrument or writing by which land is conveyed and includes a final order of foreclosure under any mortgage or charge affecting land;

(c) “Minister” means the Minister of Agriculture and Food;

(d) “Ministry” means the Ministry of Agriculture and Food;

(e) “non-resident corporation” means a corporation incorporated, formed or otherwise organized in Canada or elsewhere that is,

(i) controlled directly or indirectly by one or more non-resident persons, or

(ii) that has issued shares to which are attached 25 per cent or more of the voting rights ordinarily

exercisable at meetings of the shareholders to one or more non-resident persons;

(f) “non-resident person” means,

(i) an individual who is not ordinarily resident in Ontario,

(ii) a non-resident corporation.

Registration
report

2. Every non-resident person who acquires or holds an interest in twenty-five or more acres of agricultural land in Ontario shall submit to the Minister a registration report concerning the interest in the prescribed form for the purpose of registering the interest with the Ministry.

When report
to be
submitted

3.—(1) Where a non-resident person holds an interest in twenty-five or more acres of agricultural land situated in Ontario on the day this Act comes into force, the person shall submit the report to the Minister within one year after that date.

Idem

(2) Where a non-resident person, subsequent to the day on which this Act comes into force, acquires an interest in agricultural land and the person holds an interest, including the interest acquired, in twenty-five or more acres of agricultural land, the person shall submit the report to the Minister within thirty days of the day of acquisition.

Acquisition of
interest on
behalf of
non-resident

4. For the purposes of this Act, where a resident person acquires or holds an interest in twenty-five or more acres of agricultural land on behalf of a non-resident person, by agreement or otherwise, the non-resident person is deemed to have acquired or to hold the interest and shall submit a registration report to the Minister within the applicable time period set out in section 3.

Offence

5. Every person who, knowingly,

(a) fails to submit a report required by section 2; or

(b) furnishes false information in a report required by this Act,

and every director or officer of a corporation who knowingly concurs in such contravention or failure, is guilty of an offence and on summary conviction is liable to a fine in an amount not exceeding 25 per cent of the market value of the land.

Regulations

6. The Lieutenant Governor in Council may make regulations prescribing the registration report form and providing for its use.

7. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

8. The short title of this Act is *The Non-resident Agricultural* ^{Short title}
Land Ownership Registration Act, 1979.

BILL 166

An Act to provide for the
Registration of Non-resident Ownership
of Agricultural Land in Ontario

1st Reading

November 6th, 1979

2nd Reading

3rd Reading

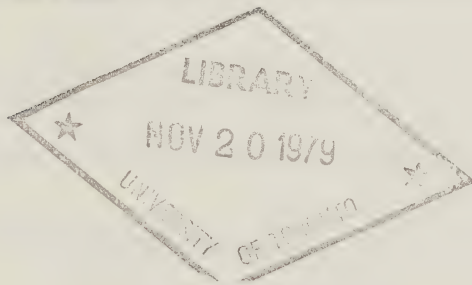
MR. EATON

(Private Member's Bill)

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979 *Heinrich*

An Act to declare Remembrance Day
as a Holiday for Veterans

MR. STERLING



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to declare that Remembrance Day is a holiday for veterans who work in Ontario.

BILL 167

1979

An Act to declare Remembrance Day as a Holiday for Veterans

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, “veteran” means a person who at any time has been engaged on active service in the armed forces of Canada or the United Kingdom or in a United Nations force or, during World War II, in the Allied forces and whose service involved combat duties required to be performed outside Canada. Interpre-
tation

2. Throughout Ontario in each and every year, the 11th day of November, being the day in the year 1918 in which World War I was triumphantly concluded by an armistice, shall be observed and honoured under the name of “Remembrance Day”. Remembrance
Day

3. Every employee working in Ontario who is a veteran is entitled to a holiday on Remembrance Day and shall be paid his regular wages for that day. Holiday
for
veterans

4. Section 3 applies only when Remembrance Day falls on a day that would otherwise be a working day for the veteran. Application

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. The short title of this Act is *The Remembrance Day Act*, Short title
1979.

An Act to declare Remembrance Day
as a Holiday for Veterans

1st Reading

November 8th, 1979

2nd Reading

3rd Reading

MR. STERLING

(Private Member's Bill)

3
BILL 168

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Health Insurance Act, 1972

MR. LAWLOR



EXPLANATORY NOTE

The purpose of the Bill is to limit the amount that a physician or practitioner who bills a patient directly may charge for performing insured services under the Ontario Health Insurance Plan. The amount charged by a physician or practitioner in these circumstances shall not exceed the amount payable by the Plan for the insured services. The Bill prohibits a physician or practitioner from requiring payment of an account before the patient has had an opportunity to submit the account to the General Manager for assessment. Where the patient does pay the account and the General Manager subsequently determines that the amount payable by the Plan is less than the amount paid by the patient, the physician or practitioner is under a duty to reimburse the patient for the overpayment. A physician or practitioner who fails to reimburse the patient for the overpayment or who contravenes the requirements of the section of the Act contained in the Bill is guilty of professional misconduct.

BILL 168

1979

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Health Insurance Act, 1972*, being chapter 91, is amended by adding thereto the following section: s. 21a.
enacted

21a.—(1) Where a physician or practitioner submits an account to a patient in respect of insured services, the amount charged by the physician or practitioner shall not exceed the amount payable by the Plan for the insured services. Limitation
on amount
charged for
insured
services

(2) A physician or practitioner who submits an account to a patient for insured services shall not require payment of the account by the patient before the account has been submitted to the General Manager for a determination of the amount payable by the Plan unless the account has not been submitted within six months after the insured services are performed. Payment not
required
before
account
submitted
to General
Manager

(3) Where a patient has paid an account submitted to him in respect of insured services and the General Manager determines that the amounts payable therefor by the Plan are less than the amount paid by the patient, the physician or practitioner shall reimburse the patient immediately for the amount of the overpayment received by him. Reimbursement
of patient
for over-
payment

(4) It is professional misconduct for a physician or practitioner to, Professional
misconduct

- (a) consistently charge an amount in respect of insured services in excess of the amount payable by the Plan for such services; or
- (b) fail to reimburse a patient for an overpayment of an account for insured services.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Health Insurance Amendment Act, 1979*.

An Act to amend
The Health Insurance Act, 1972

1st Reading

November 8th, 1979

2nd Reading

3rd Reading

MR. LAWLOR

(Private Member's Bill)

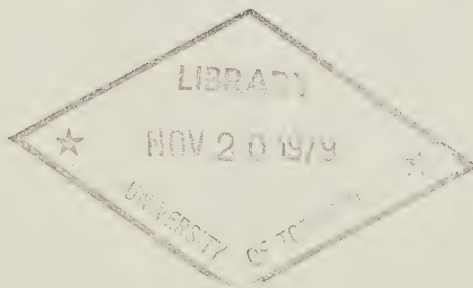
BILL 169

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Health Insurance Act, 1972

MR. BREAUGH



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to ensure that hospital patients will be able to obtain insured services for which the patient will not be billed directly.

BILL 169

1979

**An Act to amend
The Health Insurance Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Health Insurance Act, 1972*, being chapter 91, is amended by adding thereto the following section: s. 20b.
enacted

20b. Where an insured service is provided in a hospital by a physician or practitioner who submits his accounts for the performance of the service directly to the patient, the hospital shall ensure that the insured service is also provided by a physician or practitioner in the hospital who submits his accounts for the performance of the service directly to the Plan. Insured
service
provided in
hospital

- 2.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3.** The short title of this Act is *The Health Insurance Amendment Act, 1979*. Short title

BILL 169

An Act to amend
The Health Insurance Act, 1972

1st Reading

November 8th, 1979

2nd Reading

3rd Reading

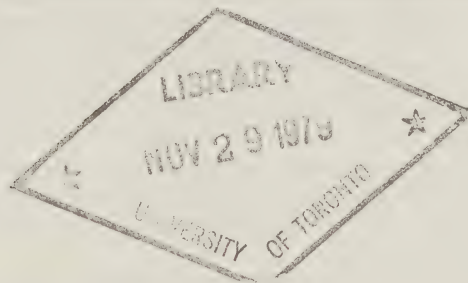
MR. BREAUGH

(Private Member's Bill)

3RD SESSION, 31ST LEGISLATURE, ¹ONTARIO
28 ELIZABETH II, 1979 *Legislation*

An Act to amend The Education Act, 1974

THE HON. B. M. STEPHENSON
Minister of Education and Minister of
Colleges and Universities



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Paragraph 19 of subsection 1 of section 147 of the Act is amended to add term deposits accepted by a credit union as a type of security in which a board may invest moneys not immediately required by the board. The provision is parallel to subsection 2 of section 312 of *The Municipal Act*.

Paragraph 19 now reads as follows:

19. *invest moneys not required immediately by the board in bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with, or guaranteed investment certificates or debentures of, any trust company or loan corporation that is registered under The Loan and Trust Corporations Act, or lend such moneys to any municipality or board by way of promissory note of the municipality or board, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes, become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys are invested.*

BILL 170

1979

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 19 of subsection 1 of section 147 of *The Education Act*, s. 147 (1),
1974, being chapter 109, is repealed and the following substituted par. 19,
therefor: re-enacted
 19. invest moneys not required immediately by the board in, *idem*
 - i. bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, or any other province of Canada,
 - ii. debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, R.S.O. 1970,
c. 254
 - iii. term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, R.S.C. 1970,
c. B-2
 - iv. promissory notes of a municipality as defined in *The Municipal Affairs Act*, and promissory notes of a metropolitan municipality, a regional municipality, the District Municipality of Muskoka and the County of Oxford, and R.S.O. 1970,
c. 118
 - v. term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act*, 1976, c. 62

provided that the investments become due and payable by the day on which the moneys are required by the

board, and all interest thereon shall be credited to the fund from which the moneys are invested.

s. 205 (1) (d),
re-enacted

2. Clause *d* of subsection 1 of section 205 of the said Act is repealed and the following substituted therefor:

(d) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii and iii of paragraph 33 of subsection 1 of section 1 and any sum allocated to a reserve fund do not exceed,

(i) for secondary school purposes, an amount that would increase the sum that would be required to be raised by levy for secondary school purposes in the school division if no such provision for expenditures and allocation were made, by an amount calculated at one mill in the dollar upon the total of the equalized assessments of the municipalities and localities in the school division, and

(ii) for public school purposes, an amount that would increase the sum that would be required to be raised by levy for public school purposes in the school division if no such provision for expenditures and allocation were made, by an amount calculated at one mill in the dollar upon the total of the equalized assessments of the property rateable for public school purposes in the municipalities and localities in the school division; and

s. 215 (1),
par. 1,
amended

3.—(1) Paragraph 1 of subsection 1 of section 215 of the said Act is amended by striking out “90” in the first line and inserting in lieu thereof “85”.

s. 215 (1),
par. 4,
amended

(2) Paragraph 4 of subsection 1 of the said section 215 is amended by striking out “90” in the second line and inserting in lieu thereof “85”.

Commence-
ment

4.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 3 come into force on the 1st day of January, 1980.

Short title

5. The short title of this Act is *The Education Amendment Act, 1979*.

SECTION 2. The present clause *d* imposes a one mill limit on the total of the expenditures to be made by a board out of current funds for permanent improvements and the allocation to a reserve fund.

The new clause imposes the one mill limit on that portion of such total that is to be raised by taxation.

SECTION 3. The amendment provides for a rate to be levied on residential and farm assessment of 85 per cent of the rate to be levied on commercial assessment instead of 90 per cent.

An Act to amend
The Education Act, 1974

1st Reading

November 9th, 1979

2nd Reading

3rd Reading

THE HON. B. M. STEPHENSON
Minister of Education and
Minister of Colleges and Universities

(Government Bill)

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3RD SESSION, 31ST LEGISLATURE, *1* ONTARIO
28 ELIZABETH II, 1979 *1*

An Act to amend The Education Act, 1974

THE HON. B. M. STEPHENSON
Minister of Education and Minister of
Colleges and Universities



BILL 170

1979

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 19 of subsection 1 of section 147 of *The Education Act, 1974*, being chapter 109, is repealed and the following substituted therefor:
 19. invest moneys not required immediately by the board in, *idem*
 - i. bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, or any other province of Canada,
 - ii. debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, s. 147 (1).
par. 19.
re-enacted
R.S.O. 1970,
c. 254
 - iii. term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, R.S.C. 1970,
c. B-2
 - iv. promissory notes of a municipality as defined in *The Municipal Affairs Act*, and promissory notes of a metropolitan municipality, a regional municipality, the District Municipality of Muskoka and the County of Oxford, and R.S.O. 1970,
c. 118
 - v. term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act, 1976*, 1976, c. 62

provided that the investments become due and payable by the day on which the moneys are required by the

board, and all interest thereon shall be credited to the fund from which the moneys are invested.

s. 205 (1) (d).
re-enacted

- 2.** Clause *d* of subsection 1 of section 205 of the said Act is repealed and the following substituted therefor:

(*d*) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii and iii of paragraph 33 of subsection 1 of section 1 and any sum allocated to a reserve fund do not exceed,

(i) for secondary school purposes, an amount that would increase the sum that would be required to be raised by levy for secondary school purposes in the school division if no such provision for expenditures and allocation were made, by an amount calculated at one mill in the dollar upon the total of the equalized assessments of the municipalities and localities in the school division, and

(ii) for public school purposes, an amount that would increase the sum that would be required to be raised by levy for public school purposes in the school division if no such provision for expenditures and allocation were made, by an amount calculated at one mill in the dollar upon the total of the equalized assessments of the property rateable for public school purposes in the municipalities and localities in the school division; and

s. 215 (1).
par. 1.
amended

- 3.—**(1) Paragraph 1 of subsection 1 of section 215 of the said Act is amended by striking out “90” in the first line and inserting in lieu thereof “85”.

s. 215 (1).
par. 4.
amended

- (2) Paragraph 4 of subsection 1 of the said section 215 is amended by striking out “90” in the second line and inserting in lieu thereof “85”.

Commence-
ment

- 4.—**(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 2 and 3 come into force on the 1st day of January, 1980.

Short title

- 5.** The short title of this Act is *The Education Amendment Act, 1979*.

An Act to amend
The Education Act, 1974

1st Reading

November 9th, 1979

2nd Reading

December 3rd, 1979

3rd Reading

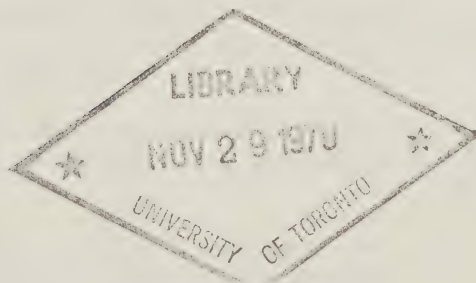
December 6th, 1979

THE HON. B. M. STEPHENSON
Minister of Education and
Minister of Colleges and Universities

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Ontario Municipal Improvement Corporation Act

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The Bill authorizes the Ontario Municipal Improvement Corporation to purchase debentures issued by a municipality or a school board for financing capital projects undertaken by the school board.

SECTION 1. "School board" is defined.

SECTION 2. This section adds to the objects of the Corporation the purchase of debentures issued by a municipality or a school board for school board undertakings.

SECTIONS 3 TO 5. These amendments are consequential to the amendment in section 2 of the Bill by inserting references to school boards where applicable.

BILL 171

1979

An Act to amend The Ontario Municipal Improvement Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Municipal Improvement Corporation Act*, ^{s. 1, amended} being chapter 325 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:
 - (aa) “school board” means a board as defined in paragraph 3 of subsection 1 of section 1 of *The Education Act, 1974*. ^{1974, c. 109}
2. Subsection 1 of section 3 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 77, section 1, is further amended by striking out “and” at the end of clause *b*, by adding “and” at the end of clause *c* and by adding thereto the following clause:
 - (d) to purchase from any municipality in Ontario, including a metropolitan, regional or district municipality or from any school board, debentures issued by it for school board undertakings. ^{s. 3 (1), amended}
3. Subsection 1, as amended by the Statutes of Ontario, 1974, chapter 77, section 2, and subsection 2 of section 9 of the said Act, are repealed and the following substituted therefor: ^{s. 9 (1, 2), re-enacted}
 - (1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase, ^{Purchase of municipal or school board debentures}
 - (a) from any municipality in Ontario in a category mentioned in section 3, debentures issued by the municipality for any of the purposes mentioned in section 3; and
 - (b) from any school board, debentures issued by it for school board undertakings.
 - (2) The Corporation shall not purchase any municipal or school board debentures under the authority of this Act until, ^{Approval and validation required}

R.S.O. 1970,
c. 32,

(a) the Ontario Municipal Board has issued its order pursuant to section 64 of *The Ontario Municipal Board Act* authorizing the municipality or school board to proceed with the work or undertaking with respect to which the debentures are required; and

(b) the municipality or school board has had the debentures validated by the Ontario Municipal Board under sections 58 to 60 of *The Ontario Municipal Board Act*.

s. 10,
re-enacted

4. Section 10 of the said Act is repealed and the following substituted therefor:

Debentures
to rank
pari passu
R.S.O. 1970,
c. 390

10. Notwithstanding *The Public Utilities Act* or any other Act, every debenture of a municipality or school board purchased by the Corporation under the authority of this Act, with respect to payment of principal and interest thereon, ranks *pari passu* with all other debentures of that municipality or school board and the payment of principal and interest thereon.

s. 15 (b-f),
amended

5. Clauses *b, c, d, e* and *f* of section 15 of the said Act are amended by inserting after "municipalities" wherever it occurs in those clauses "or school boards".

Commence-
ment

6. This Act comes into force on the 1st day of January, 1980.

Short title

7. The short title of this Act is *The Ontario Municipal Improvement Corporation Amendment Act, 1979*.

An Act to amend
The Ontario Municipal Improvement
Corporation Act

1st Reading

November 9th, 1979

2nd Reading

3rd Reading

THE HON. F. S. MULLER
Treasurer of Ontario and
Minister of Economics

(Government Bill)

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BILL 171

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1979

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Legislation passed

An Act to amend
The Ontario Municipal Improvement Corporation Act

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics



BILL 171

1979

An Act to amend The Ontario Municipal Improvement Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Municipal Improvement Corporation Act*,^{s. 1, amended} being chapter 325 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(aa) “school board” means a board as defined in paragraph 3 of subsection 1 of section 1 of *The Education Act, 1974*.^{1974, c. 109}
2. Subsection 1 of section 3 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 77, section 1, is further amended by striking out “and” at the end of clause *b*, by adding “and” at the end of clause *c* and by adding thereto the following clause:

(d) to purchase from any municipality in Ontario, including a metropolitan, regional or district municipality or from any school board, debentures issued by it for school board undertakings.
3. Subsection 1, as amended by the Statutes of Ontario, 1974, chapter 77, section 2, and subsection 2 of section 9 of the said Act, are repealed and the following substituted therefor:^{s. 3 (1), amended}
 - (1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase,^{s. 9 (1, 2), re-enacted}

Purchase of municipal or school board debentures

 - (a) from any municipality in Ontario in a category mentioned in section 3, debentures issued by the municipality for any of the purposes mentioned in section 3; and
 - (b) from any school board, debentures issued by it for school board undertakings.
 - (2) The Corporation shall not purchase any municipal or school board debentures under the authority of this Act until,^{Approval and validation required}

R.S.O. 1970.
c. 323

(a) the Ontario Municipal Board has issued its order pursuant to section 64 of *The Ontario Municipal Board Act* authorizing the municipality or school board to proceed with the work or undertaking with respect to which the debentures are required; and

(b) the municipality or school board has had the debentures validated by the Ontario Municipal Board under sections 58 to 60 of *The Ontario Municipal Board Act*.

s. 10.
re-enacted

4. Section 10 of the said Act is repealed and the following substituted therefor:

Debentures
to rank
pari passu
R.S.O. 1970.
c. 390

10. Notwithstanding *The Public Utilities Act* or any other Act, every debenture of a municipality or school board purchased by the Corporation under the authority of this Act, with respect to payment of principal and interest thereon, ranks *pari passu* with all other debentures of that municipality or school board and the payment of principal and interest thereon.

s. 15 (b-f),
amended

5. Clauses *b, c, d, e* and *f* of section 15 of the said Act are amended by inserting after "municipalities" wherever it occurs in those clauses "or school boards".

Commence-
ment

6. This Act comes into force on the 1st day of January, 1980.

Short title

7. The short title of this Act is *The Ontario Municipal Improvement Corporation Amendment Act, 1979*.

An Act to amend
The Ontario Municipal Improvement
Corporation Act

1st Reading

November 9th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

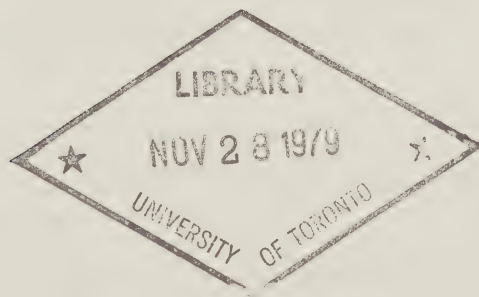
THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

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3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Municipality of Metropolitan Toronto Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. Section 35*a* of the Act authorizes the imposition of a surcharge on the rates charged by Metro for water supplied to the area municipalities, the moneys derived therefrom to be expended on the collection of sewage from the area municipalities by Metro. The new subsection 1*a* authorizes the charging of a rate for similar purposes by Metro on those who obtain a water supply other than from Metro but who discharge the water directly or indirectly into the Metro sewer system.

SECTIONS 2 AND 3. The re-enactments reflect in the name of the North York Board of Education the elevation to city status of the municipality on the 14th day of February, 1979.

SECTION 4. The present subclause v imposes a two mill limit on the expenditures to be made out of current funds for permanent improvements.

The new subclause imposes the two mill limit on that portion of the expenditures to be made out of current funds for permanent improvements that is to be raised by taxation.

BILL 172

1979

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35a of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 42, section 5 and amended by 1976, chapter 72, section 1, is further amended by adding thereto the following subsection:

(1a) Where a person obtains water from a private water-works system and discharges the water into the Metropolitan sewer system or a sewer system draining into the Metropolitan sewer system, the Metropolitan Council may by by-law charge a rate in respect of the water discharged.

s. 35a,
amended
Rate on
discharge
into sewer
system
2. Clause c of subsection 1 of section 118 of the said Act is repealed and the following substituted therefor:

(c) The Board of Education for the City of North York.

s. 118 (1) (c),
re-enacted
3. Clause b of subsection 2 of section 121 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 54, section 4, is repealed and the following substituted therefor:

(b) three members of and appointed by The Board of Education for the City of North York.

s. 121 (2) (b),
re-enacted
4. Subclause v of clause g of subsection 1 of section 127 of the said Act is repealed and the following substituted therefor:

(v) may provide for expenditures to be made out of current funds for permanent improvements as defined in paragraph 33 of subsection 1 of section

s. 127 (1)
(g) (v),
re-enacted

1974, c. 109

1 of *The Education Act, 1974*, provided that the expenditures for permanent improvements referred to in subparagraphs i, ii and iii of paragraph 33 of subsection 1 of the said section 1 do not exceed,

- (A) for secondary school purposes, an amount that would increase the sum that would be required to be raised for such purposes by levy on assessment in the Metropolitan Area if no such provision for expenditures were made by an amount calculated at two mills in the dollar upon the total assessment in the Metropolitan Area, and
- (B) for public school purposes, an amount that would increase the sum that would be required to be raised for such purposes by levy on assessment in the Metropolitan Area if no such provision for expenditures were made by an amount calculated at two mills in the dollar upon the assessment in the Metropolitan Area rateable for public school purposes,

according to the last revised assessment rolls.

s. 241,
amended

5. Section 241 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 37, section 4 and 1979, chapter 64, section 19, is further amended by adding thereto the following subsection:

Purchasing
or renting
machinery
R.S.O. 1970,
c. 284

(10) The Metropolitan Corporation is deemed to be and to have always been a municipality for the purposes of section 455 of *The Municipal Act*.

s. 251a,
enacted

6. The said Act is amended by adding thereto the following section:

Joint
liability
insurance

251a. The Metropolitan Corporation and one or more area municipalities may enter into agreements for obtaining insurance protecting the Metropolitan Corporation, the area municipalities or any of them, their respective local boards, the members of their respective councils and local boards, and officers and employees of such municipal corporations and local boards against risks that may involve loss or liability, and may establish and contribute to a fund in connection with such insurance on such terms and conditions as may be agreed.

Commence-
ment

- 7.—(1) This Act, except sections 2, 3 and 4, comes into force on the day it receives Royal Assent.

Subclause v of clause g of subsection 1 of section 127 of the Act now reads as follows:

- (v) *may provide for expenditures to be made out of current funds for permanent improvements, such expenditures not to exceed a sum calculated at two mills in the dollar upon the total assessment in the Metropolitan Area for secondary school purposes and two mills in the dollar upon the total assessment in the Metropolitan Area for public school purposes according to the last revised assessment rolls.*

SECTION 5. The section of *The Municipal Act* deemed always to have been applicable to the Metropolitan Corporation now reads as follows:

- 455.—(1) *Subject to subsection 2, the council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.*
- (2) *Where a by-law is passed by the council of a municipality under subsection 1 for the purchase of road-making machinery or appliances, the by-law may provide for the borrowing of money for the purpose of paying the purchase price for any period not exceeding ten years and for issuing debentures for the money so borrowed or for issuing to the vendor debentures payable within that period in payment of the purchase money.*

SECTION 6. The section added permits the Metropolitan Corporation and the area municipalities to participate in a joint insurance plan.

- (2) Sections 2 and 3 shall be deemed to have come into force on the 14th day of February, 1979. ^{Idem}
- (3) Section 4 comes into force on the 1st day of January, 1980. ^{Idem}
- 8.** The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1979*. ^{Short title}

An Act to amend
The Municipality of Metropolitan Toronto
Act

1st Reading

November 9th, 1979.

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

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BILL 172

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Municipality of Metropolitan Toronto Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 172

1979

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35a of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 42, section 5 and amended by 1976, chapter 72, section 1, is further amended by adding thereto the following subsection:

(1a) Where a person obtains water from a private water-works system and discharges the water into the Metropolitan sewer system or a sewer system draining into the Metropolitan sewer system, the Metropolitan Council may by by-law charge a rate in respect of the water discharged.

s. 35a,
amended
2. Clause c of subsection 1 of section 118 of the said Act is repealed and the following substituted therefor:

(c) The Board of Education for the City of North York.

.

s. 118 (1) (c),
re-enacted
3. Clause b of subsection 2 of section 121 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 54, section 4, is repealed and the following substituted therefor:

(b) three members of and appointed by The Board of Education for the City of North York.

s. 121 (2) (b),
re-enacted
4. Subclause v of clause g of subsection 1 of section 127 of the said Act is repealed and the following substituted therefor:

(v) may provide for expenditures to be made out of current funds for permanent improvements as defined in paragraph 33 of subsection 1 of section

s. 127 (1)
(g) (v),
re-enacted

1974, c. 109

1 of *The Education Act, 1974*, provided that the expenditures for permanent improvements referred to in subparagraphs i, ii and iii of paragraph 33 of subsection 1 of the said section 1 do not exceed,

- (A) for secondary school purposes, an amount that would increase the sum that would be required to be raised for such purposes by levy on assessment in the Metropolitan Area if no such provision for expenditures were made by an amount calculated at two mills in the dollar upon the total assessment in the Metropolitan Area, and
- (B) for public school purposes, an amount that would increase the sum that would be required to be raised for such purposes by levy on assessment in the Metropolitan Area if no such provision for expenditures were made by an amount calculated at two mills in the dollar upon the assessment in the Metropolitan Area rateable for public school purposes,

according to the last revised assessment rolls.

s. 241,
amended

5. Section 241 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 37, section 4 and 1979, chapter 64, section 19, is further amended by adding thereto the following subsection:

Purchasing
or renting
machinery
R.S.O. 1970,
c. 284

(10) The Metropolitan Corporation is deemed to be and to have always been a municipality for the purposes of section 455 of *The Municipal Act*.

s. 251a,
enacted

6. The said Act is amended by adding thereto the following section:

Joint
liability
insurance

251a. The Metropolitan Corporation and one or more area municipalities may enter into agreements for obtaining insurance protecting the Metropolitan Corporation, the area municipalities or any of them, their respective local boards, the members of their respective councils and local boards, and officers and employees of such municipal corporations and local boards against risks that may involve loss or liability, and may establish and contribute to a fund in connection with such insurance on such terms and conditions as may be agreed.

Commence-
ment

- 7.—(1) This Act, except sections 2, 3 and 4, comes into force on the day it receives Royal Assent.

(2) Sections 2 and 3 shall be deemed to have come into force on the 14th day of February, 1979. ^{Idem}

(3) Section 4 comes into force on the 1st day of January, 1980. ^{Idem}

8. The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1979*. ^{Short title}

An Act to amend
The Municipality of Metropolitan Toronto
Act

1st Reading

November 9th, 1979

2nd Reading

November 29th, 1979

3rd Reading

November 29th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

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3
BILL 173

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Legislative

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The section added authorizes a municipality to issue debentures on behalf of and at the request of a school board that exercises jurisdiction in all or part of the municipality.

BILL 173

1979

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 255a,
enacted

255a.—(1) In this section,

Interpre-
tation

- (a) “school board” means a “board” as defined in paragraph 3 of subsection 1 of section 1 of *The Education Act, 1974*; 1974, c. 109
and
- (b) “municipality” includes a regional and district municipality and the County of Oxford, but does not include an area municipality within the meaning of any Act establishing a metropolitan, regional or district municipality or of *The County of Oxford Act, 1974*. 1974, c. 57

(2) Where a school board exercises jurisdiction in all or part of a municipality, the school board may apply to the council of the municipality for the issue and sale of debentures on the credit of the municipal corporation for raising such sums as may be required by the school board for permanent improvements, as defined in paragraph 33 of subsection 1 of section 1 of *The Education Act, 1974*. School boards
may apply for
issue and
sale of
debentures

(3) An application under subsection 2 shall state the purpose of the proposed borrowing and the nature and the estimated costs of the proposed improvements. Contents of
application

(4) The council at its first meeting after receiving an application under subsection 2, or as soon as possible thereafter, shall consider and approve or disapprove the application. Duties of
council

(5) If the council approves the application under subsection 4, the school board shall apply to the Municipal Board for its approval under section 64 of *The Ontario Municipal Board Act* Approval by
O.M.B.
R.S.O. 1970,
c. 323

and, if the Municipal Board approves, the council shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures on the credit of the municipal corporation for the purposes stated in the application.

Application
of other
Acts

(6) The provisions of any Act that apply to the council of a municipality in respect of its powers to raise money for municipal purposes by the issue and sale of debentures, including any obligation or prohibition imposed in connection therewith, apply with necessary modifications to the council of the municipality where it is passing a by-law for the raising of money by the issue and sale of debentures under this section.

Borrowing
pending issue
and sale of
debentures

(7) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the municipality for the purposes of a school board, the council of the municipality or the school board pending the issue and sale of the debentures may, and the council of the municipality on the request of the school board shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the council of the municipality may, or on the request of the school board shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the school board.

Interest on
temporary
borrowing

(8) Where the council of a municipality has raised money for a school board under this section by temporary financing pending the sale of debentures, it shall charge the cost of the borrowing to the school board for the period before the sale for which the money is borrowed or for a period of one year, whichever is less.

Application
of proceeds
of loan

(9) The proceeds of every advance or loan under subsection 7 shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and the balance shall be transferred to the school board.

Notice of
principal
and
interest

(10) Where the council of a municipality has passed a by-law under this section for issuing debentures, the treasurer of the municipality shall notify the treasurer of the school board in writing before the 1st day of January in each year of the amount of the principal and interest, including any amount required to be raised for a sinking fund or retirement fund, due and payable in that year in respect of the debentures so issued, and the dates on which the payments of such amounts become due.

Amounts to be
included in
estimates of
school board

(11) The amount that the treasurer of the school board receives notice of under subsection 10 shall be included in the estimates of

the school board for that year, and the treasurer of the school board shall pay that amount to the treasurer of the municipality on or before the due dates of payment as specified in the notice and such amount may be recovered as a debt due by the school board to the municipality.

(12) All debentures issued under the authority of this section are direct, joint, and several obligations of the municipality and the school board, and, notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, all such debentures shall rank concurrently and *pari passu* in respect of payment and interest thereon with all other debentures of the municipality, except as to the availability of any sinking funds applicable to any particular issue of debentures.

Joint and
several
liability,
ranking of
debentures

(13) A by-law under subsection 5 shall,

Default

(a) in the case of a by-law of a regional or district municipality or of the County of Oxford, provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11;

(b) in the case of a by-law of a county, provide for raising in each year by inclusion with the amounts required for county purposes apportioned under section 507, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11; and

(c) in the case of a by-law of a local municipality, provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11.

(14) The expenses of the municipality in preparing, printing and publishing any by-laws or debentures under this section, and all other expenses incident thereto, may be charged to the school board.

Recovery
of costs

(15) The assent of the electors of a municipality is not required to a by-law passed by the council of the municipality under subsection 5.

Assent of
electors
not
required

s. 291 (3-9),
re-enacted

2. Subsection 3, as amended by the Statutes of Ontario, 1974, chapter 136, section 5, subsection 4, subsection 5, as amended by the Statutes of Ontario, 1976, chapter 51, section 6, and subsections 6 to 9 of section 291 of the said Act, are repealed and the following substituted therefor:

Amounts
raised to be
deposited
with a bank,
trust company
or credit
union

R.S.O. 1970,
c. 254

1976, c. 62

(3) Every money by-law passed under this section shall provide that the municipality shall deposit the annual amount to be raised under clause *b* of subsection 2,

(a) with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*; or

(b) subject to *The Credit Unions and Caisses Populaires Act, 1976*, with a credit union as defined in that Act,

and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures.

Powers of
bank, trust
company or
credit union

(4) The bank, trust company or credit union shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment.

Authorized
investments

R.S.O. 1970,
c. 470

(5) The bank, trust company or credit union may invest,

(a) in securities in which a trustee may invest under the provisions of *The Trustee Act*;

(b) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(c) in such other securities as are authorized by the Lieutenant Governor in Council;

(d) in the debentures to the payment of which the sinking fund is applicable; and

(e) not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

Annual
financial
statement
to be
submitted
by bank,
trust
company
or credit
union

(6) The bank, trust company or credit union shall, not later than the 31st day of January in each year, submit to the Ministry and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such

SECTION 2. Section 291 (1) of the Act permits municipalities to issue sinking fund debentures.

At present, a municipality may deposit the amounts raised under clause *b* of subsection 2 only with a bank or trust company. The amendments to section 291 (3) will permit a municipality to deposit such amounts with a bank, trust company or credit union. The amendments to subsections 4 to 9 are complementary to the amendment to subsection 3.

SECTION 3. Section 308 (1) of the Act permits the establishment of reserve funds. At present, under subsections 2 and 3, the money raised for a reserve fund must be paid into a special bank account. The amendments to subsections 2 and 3 will permit such moneys to be paid into a trust company or credit union.

Subsections 2 and 3 of section 308 are set out below, showing underlined the words which will be struck out by the amendment:

- (2) *The moneys raised for a reserve fund established under subsection 1 shall be paid into a special bank account and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings derived from the investment of such moneys form part of the reserve fund.*
- (3) *The council may by by-law provide that, instead of a separate bank account being kept for each reserve fund, a consolidated bank account may be kept in which there may be deposited the moneys raised for all reserve funds established under this section but which consolidated bank account shall be so kept that it will be possible to determine therefrom the true state of each reserve fund.*

SECTION 4. Section 309 sets out how a municipality is required to deal with contributions received in consideration of expenses incurred or to be incurred by the municipality as a result of a proposed subdivision of land. The amendment to subsection 2 is similar to the amendments to subsections 2 and 3 of section 308 as set out in section 3 of this Bill and will permit moneys received to be paid to a bank, trust company or credit union.

SECTION 5. Paragraph 74 of section 352 provides that a municipality may pass by-laws for acquiring, erecting, altering, maintaining, operating or managing special undertakings, including monuments, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community centres, stadia and museums.

At present, clause *e* provides that a board of management of such an undertaking shall be composed of not less than three and not more than seven members. The amendment removes these requirements.

Clause *f* now requires that where the board of management of an undertaking that has been undertaken by two or more municipalities and the board consists of at least five persons, then at least two of the members of the board shall be members of the councils of such municipalities. The amendment removes this requirement.

statement shall contain a list of the investments held in the sinking fund.

(7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied by the bank, trust company or credit union to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank, trust company or credit union in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Surplus
in sinking
fund

(8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank, trust company or credit union an amount sufficient to make up the deficiency in the sinking fund.

Deficiency
in sinking
fund

(9) At the maturity of the debentures for which the sinking fund was established, the bank, trust company or credit union shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

Disposition
of sinking
fund at
maturity of
debentures

3.—(1) Subsection 2 of section 308 of the said Act is amended by striking out “bank” in the second line.

s. 308 (2),
amended

(2) Subsection 3 of the said section 308 is amended by striking out “bank” in the second line, the third line and the fifth line.

s. 308 (3),
amended

4. Subsection 2 of section 309 of the said Act is amended by striking out “bank” in the first line.

s. 309 (2),
amended

5. Clauses *e* and *f* of paragraph 74 of section 352 of the said Act are repealed and the following substituted therefor:

s. 352, par. 74
(*e*, *f*),
re-enacted

(*e*) The council may appoint such number of persons who are qualified to be elected as members of the council as it deems appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

(*f*) Where two or more municipalities have provided in an agreement under clause *d* for a board of management to act on their behalf, they may provide for the number of members that may be appointed to the board by each of the municipalities, but each member of the board shall be a person who is qualified to be elected as a member of the council of one of the municipalities.

s. 354 (1),
par. 1,
re-enacted

6. Paragraph 1 of subsection 1 of section 354 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 10, is repealed and the following substituted therefor:

Prohibiting
or regulating
the keeping
of animals

1. For prohibiting or regulating the keeping of animals or any class thereof within the municipality or defined areas thereof and for restricting, within the municipality or defined areas thereof,
 - i. the number of animals or any class thereof that may be kept by any person, and
 - ii. the number of animals or any class thereof that may be kept in or about any dwelling unit as defined in the by-law, or in or about any class of dwelling unit as defined in the by-law.
 - (a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

s. 377,
par. 1,
amended

- 7.—(1) Paragraph 1 of section 377 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 87, section 40, is further amended by adding thereto the following clauses:

Saving

- (a) No by-law passed under this paragraph by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.

Cabs,
destinations
outside
municipality

- (b) A by-law passed under this paragraph for the licensing of owners and drivers of cabs,
 - (i) may provide that the by-law, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality, except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada),
 - (ii) may exempt from all or any of its provisions, upon such conditions as may be set out in the by-law, owners and drivers of cabs engaged in the conveyance of,

SECTION 6. Paragraph 1 of subsection 1 of section 354 now reads as follows:

1. For prohibiting or regulating the keeping of animals, or any class thereof, and for restricting the number of animals or any class thereof that may be kept by any person within the municipality or defined areas thereof.

(a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

The amendment will permit a municipality to pass by-laws restricting the number of animals that may be kept in a dwelling unit.

SECTION 7. Section 377, paragraphs 1, 1a and 1b now read as follows:

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than five kilometres beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof; and for revoking any such licence.

1a. No by-law passed under paragraph 1 by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.

1b. A by-law passed under paragraph 1 for the licensing of owners and drivers of cabs may provide that its provisions, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the Department of Transport Act (Canada).

Clauses *a* and *b* of paragraph 1 replace the present paragraphs 1a and 1b. Clause *a* has the same effect as the present paragraph 1a.

Subclause *i* of clause *b* has the same effect as the present paragraph 1b.

Subclauses *ii* and *iii* of clause *b* give the municipality the power to exempt taxis licensed in other municipalities from the requirements of a by-law passed under paragraph 1.

SECTION 8. The added section permits the council of a local municipality to pass by-laws requiring the registration of group homes.

(A) children taking the cab both to and from nursery school, school or other full-time education institution, or

(B) physically, emotionally or mentally handicapped persons, as defined in the by-law, from any point within the municipality to any point outside the municipality, where the conveyance is made pursuant to a written contract for the use of a cab with respect to which there is a valid and subsisting licence issued under a by-law passed under this paragraph by another municipality, and

(iii) may exempt from all or any of its provisions owners and drivers of cabs with respect to which there is a valid and subsisting licence issued under this paragraph by another municipality named in the by-law.

(2) Paragraphs 1*a* and 1*b* of section 377 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 17 and 1978, chapter 101, section 6, respectively, are repealed. s. 377, pars. 1*a*, 1*b*, repealed

8. The said Act is further amended by adding thereto the following section: s. 386*a*, enacted

386*a*.—(1) In this section,

Interpretation

(*a*) “group home” means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being;

(*b*) “registrar” means the person designated as the registrar of group homes by the council of a local municipality.

(2) The council of every local municipality may pass by-laws, Registration of group homes

(*a*) providing for the registration and the annual renewal of registration, with the registrar, of group homes or such class or classes thereof as may be set out in the by-law;

(*b*) prohibiting any person from owning or operating a group home that is not registered in accordance with a by-law passed under this section;

(c) fixing fees for the registration and renewal of registration of group homes; and

(d) authorizing the registrar to register and renew registrations required by a by-law passed under clause *a*.

Duty of
registrar

(3) Where an application is made to the registrar of a municipality in the form prescribed by a by-law of the municipality under subsection 2 for the registration or renewal of registration of a group home, the registrar shall register or renew the registration, as the case may be, of the group home.

Inspection

(4) Where the registrar has reasonable and probable grounds to believe that any person is operating a group home that is not registered in accordance with a by-law passed under this section, the registrar or a person acting on his instructions may, under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*, enter and inspect the property for the purpose of determining whether or not the property is being used as a group home.

R.S.O. 1970,
c. 450

ss. 389f, 389g,
enacted

9.—(1) The said Act is further amended by adding thereto the following sections:

Remuneration
where two
or more
municipalities
appoint
members of
local
board
R.S.O. 1970,
c. 118

389f.—(1) Notwithstanding sections 389a and 389e, where two or more municipalities appoint members to the same local board, as defined in *The Municipal Affairs Act*, a majority of the municipalities represented by at least one-half of the total number of members on the local board may, by a resolution passed by the council of each municipality on or before the 15th day of February in each year, establish the remuneration to be paid to all members of the local board appointed by municipal councils in respect of their service as a member of that local board.

Idem

(2) A resolution passed under subsection 1 may establish different amounts for or different manners of remunerating different members of the same local board.

Expenses

(3) Notwithstanding sections 389b and 389e, subsection 1 applies with necessary modifications to the establishment of the expenses payable to members of the local board where the expenses are incurred as a result of the persons acting in their capacity as members of the local board, and subsections 2 and 3 of section 389 apply with necessary modifications to a resolution passed under this subsection.

Interpre-
tation

(4) For the purposes of this section, "local board" does not include a public utilities commission or a hydro-electric commission.

SECTION 9.—Subsection 1. At present, each municipality is responsible for determining the remuneration of local board members and for the payment of their expenses. The proposed section 389*f* amendment will allow municipalities to act together with respect to the determination of the amount of remuneration and expenses that may be paid to members of a local board where two or more municipalities appoint members to the local board.

The proposed section 389g replaces section 13 (2) of *The Municipal Amendment Act, 1978*, which reads as follows:

- (2) *Notwithstanding this Act or The Municipal Amendment Act, 1978, being chapter 32, a conservation authority shall, for the year 1979, continue to be responsible for the payment of the remuneration and expenses of the members of the authority appointed by its participating municipalities, unless prior to the 15th day of February, 1979 the conservation authority passes a resolution transferring such responsibility to the participating municipalities.*

Under this section, a conservation authority will continue to be responsible for establishing and paying the remuneration and expenses of the members of the authority appointed by the participating municipalities unless, by resolution, the authority transfers the responsibility for establishing the remuneration and expenses to the participating municipalities.

Subsection 2. The amendment is complementary to the enactment of section 389g.

SECTION 10. Paragraphs 66 and 67 of section 352 permit municipalities to provide group life, accident, medical and hospital care insurance to employees. The proposed section 390b will enable members of council to receive these benefits.

SECTION 11. Under clause *c* as it now reads an application for cancellation, reduction or refund of taxes can be made with respect to a building that has been razed. The amendment widens the grounds for such relief by including a building that has been damaged so as to render it substantially unusable.

(5) This section applies with necessary modifications to a member of council who serves pursuant to this or any other general or special Act as an *ex officio* member of such local board. *Ex officio members*

(6) Where no resolution is passed on or before the 15th day of February as provided in subsection 1, a person described in subsection 1 shall be paid such remuneration as was established for the person or his predecessor for the preceding year and he shall be paid his expenses in accordance with the method of reimbursement established for the person or his predecessor for the preceding year, whether the remuneration and expenses were established by the local board or the municipality appointing the person. *Where no resolution*

(7) For the purposes of subsection 6, amounts paid under subsection 2 of section 389c shall not be included as remuneration or expenses established for the preceding year. *Amounts not to be included as remuneration or expenses of preceding year*

(8) Notwithstanding any other provisions of this Act, but subject to subsection 2 of section 389c, the remuneration and expenses of a person described in subsection 1 shall be established in accordance with this section and shall be paid by the local board out of the funds of the local board and not by the council of the municipality that appointed the person to the board. *Payment by local board*

(9) In this section, "municipality" includes a regional, metropolitan and district municipality and the County of Oxford. *Interpretation*

389g. Notwithstanding sections 389a to 389f, a conservation authority is responsible for establishing and paying the remuneration and expenses of the members of the conservation authority appointed by its participating municipalities, unless the conservation authority passes a resolution transferring the responsibility for establishing remuneration and expenses to the participating municipalities, in which case the remuneration and expenses shall be established and paid in accordance with section 389f. *Conservation authorities*

(2) Subsection 2 of section 13 of *The Municipal Amendment Act, 1978*, being chapter 101, is repealed. *1978, c. 101, s. 13 (2), repealed*

10. The said Act is further amended by adding thereto the following section: *s. 390b. enacted*

390b. The council of every municipality may pass by-laws for providing for any or all of the members of council any benefits that may be provided for the employees of a municipality under paragraphs 66 and 67 of section 352 and for any other benefits of a like nature that the council considers appropriate. *Insurance, hospitalization, etc.*

11. Clause c of subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is repealed and the following substituted therefor: *s. 636a (1) (c), re-enacted*

(c) in respect of a building that during the year or during the preceding year after the return of the assessment roll,

(i) was razed by fire, demolition or otherwise, or

(ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage.

Commence-
ment

12.—(1) This Act, except sections 1 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 9 come into force on the 1st day of January, 1980.

Short title

13. The short title of this Act is *The Municipal Amendment Act, 1979*.

BILL 173

An Act to amend
The Municipal Act

1st Reading

November 9th, 1979

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

SECTION 1. The section added authorizes a municipality to issue debentures on behalf of and at the request of a school board that exercises jurisdiction in all or part of the municipality.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 255a,
enacted

255a.—(1) In this section,

Interpre-
tation

(a) “school board” means a “board” as defined in paragraph 3 of subsection 1 of section 1 of *The Education Act, 1974*; 1974, c. 109
and

(b) “municipality” includes a regional and district municipality and the County of Oxford, but does not include an area municipality within the meaning of any Act establishing a metropolitan, regional or district municipality or of *The County of Oxford Act, 1974*. 1974, c. 57

(2) Where a school board exercises jurisdiction in all or part of a municipality, the school board may apply to the council of the municipality for the issue and sale of debentures on the credit of the municipal corporation for raising such sums as may be required by the school board for permanent improvements, as defined in paragraph 33 of subsection 1 of section 1 of *The Education Act, 1974*. School boards
may apply for
issue and
sale of
debentures

(3) An application under subsection 2 shall state the purpose of the proposed borrowing and the nature and the estimated costs of the proposed improvements. Contents of
application

(4) The council at its first meeting after receiving an application under subsection 2, or as soon as possible thereafter, shall consider and approve or disapprove the application. Duties of
council

(5) If the council approves the application under subsection 4, the school board shall apply to the Municipal Board for its approval under section 64 of *The Ontario Municipal Board Act* Approval by
O.M.B.
R.S.O. 1970,
c. 323

and, if the Municipal Board approves, the council shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures on the credit of the municipal corporation for the purposes stated in the application.

Application
of other
Acts

(6) The provisions of any Act that apply to the council of a municipality in respect of its powers to raise money for municipal purposes by the issue and sale of debentures, including any obligation or prohibition imposed in connection therewith, apply with necessary modifications to the council of the municipality where it is passing a by-law for the raising of money by the issue and sale of debentures under this section.

Borrowing
pending issue
and sale of
debentures

(7) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the municipality for the purposes of a school board, the council of the municipality or the school board pending the issue and sale of the debentures may, and the council of the municipality on the request of the school board shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the council of the municipality may, or on the request of the school board shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the school board.

Interest on
temporary
borrowing

(8) Where the council of a municipality has raised money for a school board under this section by temporary financing pending the sale of debentures, it shall charge the cost of the borrowing to the school board for the period before the sale for which the money is borrowed or for a period of one year, whichever is less.

Application
of proceeds
of loan

(9) The proceeds of every advance or loan under subsection 7 shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and the balance shall be transferred to the school board.

Notice of
principal
and
interest

(10) Where the council of a municipality has passed a by-law under this section for issuing debentures, the treasurer of the municipality shall notify the treasurer of the school board in writing before the 1st day of January in each year of the amount of the principal and interest, including any amount required to be raised for a sinking fund or retirement fund, due and payable in that year in respect of the debentures so issued, and the dates on which the payments of such amounts become due.

Amounts to be
included in
estimates of
school board

(11) The amount that the treasurer of the school board receives notice of under subsection 10 shall be included in the estimates of

the school board for that year, and the treasurer of the school board shall pay that amount to the treasurer of the municipality on or before the due dates of payment as specified in the notice and such amount may be recovered as a debt due by the school board to the municipality.

(12) All debentures issued under the authority of this section are direct, joint, and several obligations of the municipality and the school board, and, notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, all such debentures shall rank concurrently and *pari passu* in respect of payment and interest thereon with all other debentures of the municipality, except as to the availability of any sinking funds applicable to any particular issue of debentures.

Joint and
several
liability,
ranking of
debentures

(13) A by-law under subsection 5 shall,

Default

- (a) in the case of a by-law of a regional or district municipality or of the County of Oxford, provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11;
- (b) in the case of a by-law of a county, provide for raising in each year by inclusion with the amounts required for county purposes apportioned under section 507, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11; and
- (c) in the case of a by-law of a local municipality, provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11.

(14) The expenses of the municipality in preparing, printing and publishing any by-laws or debentures under this section, and all other expenses incident thereto, may be charged to the school board.

Recovery
of costs

(15) The assent of the electors of a municipality is not required to a by-law passed by the council of the municipality under subsection 5.

Assent of
electors
not
required

s. 291 (3-9),
re-enacted

2. Subsection 3, as amended by the Statutes of Ontario, 1974, chapter 136, section 5, subsection 4, subsection 5, as amended by the Statutes of Ontario, 1976, chapter 51, section 6, and subsections 6 to 9 of section 291 of the said Act, are repealed and the following substituted therefor:

Amounts
raised to be
deposited
with a bank,
trust company
or credit
union

(3) Every money by-law passed under this section shall provide that the municipality shall deposit the annual amount to be raised under clause *b* of subsection 2,

R.S.O. 1970,
c. 254

(a) with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*; or

1976, c. 62

(b) subject to *The Credit Unions and Caisses Populaires Act, 1976*, with a credit union as defined in that Act,

and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures.

Powers of
bank, trust
company or
credit union

(4) The bank, trust company or credit union shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment.

Authorized
investments

(5) The bank, trust company or credit union may invest,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under the provisions of *The Trustee Act*;

(b) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(c) in such other securities as are authorized by the Lieutenant Governor in Council;

(d) in the debentures to the payment of which the sinking fund is applicable; and

(e) not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

Annual
financial
statement
to be
submitted
by bank,
trust
company
or credit
union

(6) The bank, trust company or credit union shall, not later than the 31st day of January in each year, submit to the Ministry and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such

SECTION 2. Section 291 (1) of the Act permits municipalities to issue sinking fund debentures.

At present, a municipality may deposit the amounts raised under clause *b* of subsection 2 only with a bank or trust company. The amendments to section 291 (3) will permit a municipality to deposit such amounts with a bank, trust company or credit union. The amendments to subsections 4 to 9 are complementary to the amendment to subsection 3.

SECTION 3. Section 308 (1) of the Act permits the establishment of reserve funds. At present, under subsections 2 and 3, the money raised for a reserve fund must be paid into a special bank account. The amendments to subsections 2 and 3 will permit such moneys to be paid into a trust company or credit union.

Subsections 2 and 3 of section 308 are set out below, showing underlined the words which will be struck out by the amendment:

- (2) *The moneys raised for a reserve fund established under subsection 1 shall be paid into a special bank account and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings derived from the investment of such moneys form part of the reserve fund.*
- (3) *The council may by by-law provide that, instead of a separate bank account being kept for each reserve fund, a consolidated bank account may be kept in which there may be deposited the moneys raised for all reserve funds established under this section but which consolidated bank account shall be so kept that it will be possible to determine therefrom the true state of each reserve fund.*

SECTION 4. Section 309 sets out how a municipality is required to deal with contributions received in consideration of expenses incurred or to be incurred by the municipality as a result of a proposed subdivision of land. The amendment to subsection 2 is similar to the amendments to subsections 2 and 3 of section 308 as set out in section 3 of this Bill and will permit moneys received to be paid to a bank, trust company or credit union.

SECTION 5. Paragraph 74 of section 352 provides that a municipality may pass by-laws for acquiring, erecting, altering, maintaining, operating or managing special undertakings, including monuments, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community centres, stadia and museums.

At present, clause *e* provides that a board of management of such an undertaking shall be composed of not less than three and not more than seven members. The amendment removes these requirements.

Clause *f* now requires that where the board of management of an undertaking that has been undertaken by two or more municipalities and the board consists of at least five persons, then at least two of the members of the board shall be members of the councils of such municipalities. The amendment removes this requirement.

statement shall contain a list of the investments held in the sinking fund.

(7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied by the bank, trust company or credit union to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank, trust company or credit union in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Surplus
in sinking
fund

(8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank, trust company or credit union an amount sufficient to make up the deficiency in the sinking fund.

Deficiency
in sinking
fund

(9) At the maturity of the debentures for which the sinking fund was established, the bank, trust company or credit union shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

Disposition
of sinking
fund at
maturity of
debentures

3.—(1) Subsection 2 of section 308 of the said Act is amended by striking out “bank” in the second line.

s. 308 (2),
amended

(2) Subsection 3 of the said section 308 is amended by striking out “bank” in the second line, the third line and the fifth line.

s. 308 (3),
amended

4. Subsection 2 of section 309 of the said Act is amended by striking out “bank” in the first line.

s. 309 (2),
amended

5. Clauses *e* and *f* of paragraph 74 of section 352 of the said Act are repealed and the following substituted therefor:

s. 352, par. 74
(*e, f*),
re-enacted

(*e*) The council may appoint such number of persons who are qualified to be elected as members of the council as it deems appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

(*f*) Where two or more municipalities have provided in an agreement under clause *d* for a board of management to act on their behalf, they may provide for the number of members that may be appointed to the board by each of the municipalities, but each member of the board shall be a person who is qualified to be elected as a member of the council of one of the municipalities.

s. 354 (1),
par. 1,
re-enacted

6. Paragraph 1 of subsection 1 of section 354 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 10, is repealed and the following substituted therefor:

Prohibiting
or regulating
the keeping
of animals

1. For prohibiting or regulating the keeping of animals or any class thereof within the municipality or defined areas thereof and for restricting, within the municipality or defined areas thereof,

- i. the number of animals or any class thereof that may be kept by any person, and
- ii. the number of animals or any class thereof that may be kept in or about any dwelling unit as defined in the by-law, or in or about any class of dwelling unit as defined in the by-law.

(a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

s. 377,
par. 1,
amended

7.—(1) Paragraph 1 of section 377 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 87, section 40, is further amended by adding thereto the following clauses:

Saving

(a) No by-law passed under this paragraph by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.

Cabs,
destinations
outside
municipality

(b) A by-law passed under this paragraph for the licensing of owners and drivers of cabs,

- (i) may provide that the by-law, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality, except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada),
- (ii) may exempt from all or any of its provisions, upon such conditions as may be set out in the by-law, owners and drivers of cabs engaged in the conveyance of,

SECTION 6. Paragraph 1 of subsection 1 of section 354 now reads as follows:

1. *For prohibiting or regulating the keeping of animals, or any class thereof, and for restricting the number of animals or any class thereof that may be kept by any person within the municipality or defined areas thereof.*
 - (a) *In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.*

The amendment will permit a municipality to pass by-laws restricting the number of animals that may be kept in a dwelling unit.

SECTION 7. Section 377, paragraphs 1, 1a and 1b now read as follows:

1. *For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than five kilometres beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof; and for revoking any such licence.*
- 1a. *No by-law passed under paragraph 1 by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.*
- 1b. *A by-law passed under paragraph 1 for the licensing of owners and drivers of cabs may provide that its provisions, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the Department of Transport Act (Canada).*

Clauses *a* and *b* of paragraph 1 replace the present paragraphs 1a and 1b. Clause *a* has the same effect as the present paragraph 1a.

Subclause *i* of clause *b* has the same effect as the present paragraph 1b.

Subclauses *ii* and *iii* of clause *b* give the municipality the power to exempt taxis licensed in other municipalities from the requirements of a by-law passed under paragraph 1.

SECTION 8. The added section permits the council of a local municipality to pass by-laws requiring the registration of group homes.

(A) children taking the cab both to and from nursery school, school or other full-time education institution, or

(B) physically, emotionally or mentally handicapped persons, as defined in the by-law, from any point within the municipality to any point outside the municipality, where the conveyance is made pursuant to a written contract for the use of a cab with respect to which there is a valid and subsisting licence issued under a by-law passed under this paragraph by another municipality, and

(iii) may exempt from all or any of its provisions owners and drivers of cabs with respect to which there is a valid and subsisting licence issued under this paragraph by another municipality named in the by-law.

(2) Paragraphs 1*a* and 1*b* of section 377 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 17 and 1978, chapter 101, section 6, respectively, are repealed. s. 377,
pars. 1*a*, 1*b*,
repealed

8. The said Act is further amended by adding thereto the following section: s. 386*a*,
enacted

386*a*.—(1) In this section,

Interpre-
tation

(*a*) “group home” means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being;

(*b*) “registrar” means the person designated as the registrar of group homes by the council of a local municipality.

(2) The council of every local municipality may pass by-laws, Registration
of group
homes

(*a*) providing for the registration and the annual renewal of registration, with the registrar, of group homes or such class or classes thereof as may be set out in the by-law;

(*b*) prohibiting any person from owning or operating a group home that is not registered in accordance with a by-law passed under this section;

(c) fixing fees for the registration and renewal of registration of group homes; and

(d) authorizing the registrar to register and renew registrations required by a by-law passed under clause *a*.

Duty of
registrar

(3) Where an application is made to the registrar of a municipality in the form prescribed by a by-law of the municipality under subsection 2 for the registration or renewal of registration of a group home, the registrar shall register or renew the registration, as the case may be, of the group home.

Inspection

(4) Where the registrar has reasonable and probable grounds to believe that any person is operating a group home that is not registered in accordance with a by-law passed under this section, the registrar or a person acting on his instructions may, under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*, enter and inspect the property for the purpose of determining whether or not the property is being used as a group home.

R.S.O. 1970,
c. 450

Restricted
area by-law
required

R.S.O. 1970,
c. 349

(5) No council may pass by-laws under this section unless there is in effect in the municipality a by-law passed under section 35 of *The Planning Act* that permits the establishment and use of group homes in the municipality.

ss. 389f, 389g,
enacted

9.—(1) The said Act is further amended by adding thereto the following sections:

Remuneration
where two
or more
municipalities
appoint
members of
local
board

R.S.O. 1970,
c. 118

389f.—(1) Notwithstanding sections 389a and 389e, where two or more municipalities appoint members to the same local board, as defined in *The Municipal Affairs Act*, a majority of the municipalities represented by at least one-half of the total number of members on the local board may, by a resolution passed by the council of each municipality on or before the 15th day of February in each year, establish the remuneration to be paid to all members of the local board appointed by municipal councils in respect of their service as a member of that local board.

Idem

(2) A resolution passed under subsection 1 may establish different amounts for or different manners of remunerating different members of the same local board.

Expenses

(3) Notwithstanding sections 389b and 389e, subsection 1 applies with necessary modifications to the establishment of the expenses payable to members of the local board where the expenses are incurred as a result of the persons acting in their capacity as members of the local board, and subsections 2 and 3 of section 389 apply with necessary modifications to a resolution passed under this subsection.

SECTION 9.—Subsection 1. At present, each municipality is responsible for determining the remuneration of local board members and for the payment of their expenses. The proposed section 389*f* amendment will allow municipalities to act together with respect to the determination of the amount of remuneration and expenses that may be paid to members of a local board where two or more municipalities appoint members to the local board.

The proposed section 389*g* replaces section 13 (2) of *The Municipal Amendment Act, 1978*, which reads as follows:

- (2) *Notwithstanding this Act or The Municipal Amendment Act, 1978, being chapter 32, a conservation authority shall, for the year 1979, continue to be responsible for the payment of the remuneration and expenses of the members of the authority appointed by its participating municipalities, unless prior to the 15th day of February, 1979 the conservation authority passes a resolution transferring such responsibility to the participating municipalities.*

Under this section, a conservation authority will continue to be responsible for establishing and paying the remuneration and expenses of the members of the authority appointed by the participating municipalities unless, by resolution, the authority transfers the responsibility for establishing the remuneration and expenses to the participating municipalities.

Subsection 2. The amendment is complementary to the enactment of section 389*g*.

SECTION 10. Paragraphs 66 and 67 of section 352 permit municipalities to provide group life, accident, medical and hospital care insurance to employees. The proposed section 390b will enable members of council to receive these benefits.

(4) For the purposes of this section, “local board” does not include a public utilities commission or a hydro-electric commission. Interpretation

(5) This section applies with necessary modifications to a member of council who serves pursuant to this or any other general or special Act as an *ex officio* member of such local board. Ex officio members

(6) Where no resolution is passed on or before the 15th day of February as provided in subsection 1, a person described in subsection 1 shall be paid such remuneration as was established for the person or his predecessor for the preceding year and he shall be paid his expenses in accordance with the method of reimbursement established for the person or his predecessor for the preceding year, whether the remuneration and expenses were established by the local board or the municipality appointing the person. Where no resolution

(7) For the purposes of subsection 6, amounts paid under subsection 2 of section 389c shall not be included as remuneration or expenses established for the preceding year. Amounts not to be included as remuneration or expenses of preceding year

(8) Notwithstanding any other provisions of this Act, but subject to subsection 2 of section 389c, the remuneration and expenses of a person described in subsection 1 shall be established in accordance with this section and shall be paid by the local board out of the funds of the local board and not by the council of the municipality that appointed the person to the board. Payment by local board

(9) In this section, “municipality” includes a regional, metropolitan and district municipality and the County of Oxford. Interpretation

389g. Notwithstanding sections 389a to 389f, a conservation authority is responsible for establishing and paying the remuneration and expenses of the members of the conservation authority appointed by its participating municipalities, unless the conservation authority passes a resolution transferring the responsibility for establishing remuneration and expenses to the participating municipalities, in which case the remuneration and expenses shall be established and paid in accordance with section 389f. Conservation authorities

(2) Subsection 2 of section 13 of *The Municipal Amendment Act, 1978*, being chapter 101, is repealed. 1978, c. 101, s. 13 (2), repealed

10. The said Act is further amended by adding thereto the following section: s. 390b, enacted

390b. The council of every municipality may pass by-laws for providing for any or all of the members of council any benefits that may be provided for the employees of a municipality under paragraphs 66 and 67 of section 352 and for any other benefits of a like nature that the council considers appropriate. Insurance, hospitalization, etc.

s. 636a (1) (c),
re-enacted

- 11.** Clause *c* of subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is repealed and the following substituted therefor:

(c) in respect of a building that during the year or during the preceding year after the return of the assessment roll,

(i) was razed by fire, demolition or otherwise, or

(ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage.

Commence-
ment

- 12.**—(1) This Act, except sections 1 and 9, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1 and 9 come into force on the 1st day of January, 1980.

Short title

- 13.** The short title of this Act is *The Municipal Amendment Act, 1979*.

SECTION 11. Under clause *c* as it now reads an application for cancellation, reduction or refund of taxes can be made with respect to a building that has been razed. The amendment widens the grounds for such relief by including a building that has been damaged so as to render it substantially unusable.

BILL 173

An Act to amend
The Municipal Act

1st Reading

November 9th, 1979

2nd Reading

December 3rd, 1979

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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BILL 173

3RD SESSION, 31ST LEGISLATURE, ¹ONTARIO
28 ELIZABETH II, 1979 *174*

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 173

1979

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 255a,
enacted

255a.—(1) In this section,

Interpre-
tation

- (a) “school board” means a “board” as defined in paragraph 3 of subsection 1 of section 1 of *The Education Act, 1974*; 1974, c. 109
and
- (b) “municipality” includes a regional and district municipality and the County of Oxford, but does not include an area municipality within the meaning of any Act establishing a metropolitan, regional or district municipality or of *The County of Oxford Act, 1974*. 1974, c. 57

(2) Where a school board exercises jurisdiction in all or part of a municipality, the school board may apply to the council of the municipality for the issue and sale of debentures on the credit of the municipal corporation for raising such sums as may be required by the school board for permanent improvements, as defined in paragraph 33 of subsection 1 of section 1 of *The Education Act, 1974*. School boards
may apply for
issue and
sale of
debentures

(3) An application under subsection 2 shall state the purpose of the proposed borrowing and the nature and the estimated costs of the proposed improvements. Contents of
application

(4) The council at its first meeting after receiving an application under subsection 2, or as soon as possible thereafter, shall consider and approve or disapprove the application. Duties of
council

(5) If the council approves the application under subsection 4, the school board shall apply to the Municipal Board for its approval under section 64 of *The Ontario Municipal Board Act*. Approval by
O.M.B.
R.S.O. 1970,
c. 323

and, if the Municipal Board approves, the council shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures on the credit of the municipal corporation for the purposes stated in the application.

Application
of other
Acts

(6) The provisions of any Act that apply to the council of a municipality in respect of its powers to raise money for municipal purposes by the issue and sale of debentures, including any obligation or prohibition imposed in connection therewith, apply with necessary modifications to the council of the municipality where it is passing a by-law for the raising of money by the issue and sale of debentures under this section.

Borrowing
pending issue
and sale of
debentures

(7) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the municipality for the purposes of a school board, the council of the municipality or the school board pending the issue and sale of the debentures may, and the council of the municipality on the request of the school board shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the council of the municipality may, or on the request of the school board shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the school board.

Interest on
temporary
borrowing

(8) Where the council of a municipality has raised money for a school board under this section by temporary financing pending the sale of debentures, it shall charge the cost of the borrowing to the school board for the period before the sale for which the money is borrowed or for a period of one year, whichever is less.

Application
of proceeds
of loan

(9) The proceeds of every advance or loan under subsection 7 shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and the balance shall be transferred to the school board.

Notice of
principal
and
interest

(10) Where the council of a municipality has passed a by-law under this section for issuing debentures, the treasurer of the municipality shall notify the treasurer of the school board in writing before the 1st day of January in each year of the amount of the principal and interest, including any amount required to be raised for a sinking fund or retirement fund, due and payable in that year in respect of the debentures so issued, and the dates on which the payments of such amounts become due.

Amounts to be
included in
estimates of
school board

(11) The amount that the treasurer of the school board receives notice of under subsection 10 shall be included in the estimates of

the school board for that year, and the treasurer of the school board shall pay that amount to the treasurer of the municipality on or before the due dates of payment as specified in the notice and such amount may be recovered as a debt due by the school board to the municipality.

(12) All debentures issued under the authority of this section are direct, joint, and several obligations of the municipality and the school board, and, notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, all such debentures shall rank concurrently and *pari passu* in respect of payment and interest thereon with all other debentures of the municipality, except as to the availability of any sinking funds applicable to any particular issue of debentures.

Joint and several liability, ranking of debentures

(13) A by-law under subsection 5 shall,

Default

- (a) in the case of a by-law of a regional or district municipality or of the County of Oxford, provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11;
- (b) in the case of a by-law of a county, provide for raising in each year by inclusion with the amounts required for county purposes apportioned under section 507, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11; and
- (c) in the case of a by-law of a local municipality, provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11.

(14) The expenses of the municipality in preparing, printing and publishing any by-laws or debentures under this section, and all other expenses incident thereto, may be charged to the school board.

Recovery of costs

(15) The assent of the electors of a municipality is not required to a by-law passed by the council of the municipality under subsection 5.

Assent of electors not required

s. 291 (3-9),
re-enacted

2. Subsection 3, as amended by the Statutes of Ontario, 1974, chapter 136, section 5, subsection 4, subsection 5, as amended by the Statutes of Ontario, 1976, chapter 51, section 6, and subsections 6 to 9 of section 291 of the said Act, are repealed and the following substituted therefor:

Amounts
raised to be
deposited
with a bank,
trust company
or credit
union

R.S.O. 1970,
c. 254

1976, c. 62

(3) Every money by-law passed under this section shall provide that the municipality shall deposit the annual amount to be raised under clause *b* of subsection 2,

(a) with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*; or

(b) subject to *The Credit Unions and Caisses Populaires Act, 1976*, with a credit union as defined in that Act,

and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures.

Powers of
bank, trust
company or
credit union

(4) The bank, trust company or credit union shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment.

Authorized
investments

R.S.O. 1970,
c. 470

(5) The bank, trust company or credit union may invest,

(a) in securities in which a trustee may invest under the provisions of *The Trustee Act*;

(b) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(c) in such other securities as are authorized by the Lieutenant Governor in Council;

(d) in the debentures to the payment of which the sinking fund is applicable; and

(e) not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

Annual
financial
statement
to be
submitted
by bank,
trust
company
or credit
union

(6) The bank, trust company or credit union shall, not later than the 31st day of January in each year, submit to the Ministry and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such

statement shall contain a list of the investments held in the sinking fund.

(7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied by the bank, trust company or credit union to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank, trust company or credit union in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Surplus
in sinking
fund

(8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank, trust company or credit union an amount sufficient to make up the deficiency in the sinking fund.

Deficiency
in sinking
fund

(9) At the maturity of the debentures for which the sinking fund was established, the bank, trust company or credit union shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

Disposition
of sinking
fund at
maturity of
debentures

3.—(1) Subsection 2 of section 308 of the said Act is amended by striking out “bank” in the second line.

s. 308 (2).
amended

(2) Subsection 3 of the said section 308 is amended by striking out “bank” in the second line, the third line and the fifth line.

s. 308 (3).
amended

4. Subsection 2 of section 309 of the said Act is amended by striking out “bank” in the first line.

s. 309 (2).
amended

5. Clauses *e* and *f* of paragraph 74 of section 352 of the said Act are repealed and the following substituted therefor:

s. 352, par. 74
(*e*, *f*),
re-enacted

(*e*) The council may appoint such number of persons who are qualified to be elected as members of the council as it deems appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

(*f*) Where two or more municipalities have provided in an agreement under clause *d* for a board of management to act on their behalf, they may provide for the number of members that may be appointed to the board by each of the municipalities, but each member of the board shall be a person who is qualified to be elected as a member of the council of one of the municipalities.

s. 354 (1),
par. 1,
re-enacted

6. Paragraph 1 of subsection 1 of section 354 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 10, is repealed and the following substituted therefor:

Prohibiting
or regulating
the keeping
of animals

1. For prohibiting or regulating the keeping of animals or any class thereof within the municipality or defined areas thereof and for restricting, within the municipality or defined areas thereof,
 - i. the number of animals or any class thereof that may be kept by any person, and
 - ii. the number of animals or any class thereof that may be kept in or about any dwelling unit as defined in the by-law, or in or about any class of dwelling unit as defined in the by-law.
 - (a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

s. 377,
par. 1,
amended

- 7.—(1) Paragraph 1 of section 377 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 87, section 40, is further amended by adding thereto the following clauses:

Saving

- (a) No by-law passed under this paragraph by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.

Cabs,
destinations
outside
municipality

- (b) A by-law passed under this paragraph for the licensing of owners and drivers of cabs,
 - (i) may provide that the by-law, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality, except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada),
 - (ii) may exempt from all or any of its provisions, upon such conditions as may be set out in the by-law, owners and drivers of cabs engaged in the conveyance of,

(A) children taking the cab both to and from nursery school, school or other full-time education institution, or

(B) physically, emotionally or mentally handicapped persons, as defined in the by-law, from any point within the municipality to any point outside the municipality, where the conveyance is made pursuant to a written contract for the use of a cab with respect to which there is a valid and subsisting licence issued under a by-law passed under this paragraph by another municipality, and

(iii) may exempt from all or any of its provisions owners and drivers of cabs with respect to which there is a valid and subsisting licence issued under this paragraph by another municipality named in the by-law.

(2) Paragraphs 1*a* and 1*b* of section 377 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 17 and 1978, chapter 101, section 6, respectively, are repealed. s. 377, pars. 1*a*, 1*b*, repealed

8. The said Act is further amended by adding thereto the following section: s. 386*a*, enacted

386*a*.—(1) In this section,

Interpretation

(*a*) “group home” means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being;

(*b*) “registrar” means the person designated as the registrar of group homes by the council of a local municipality.

(2) The council of every local municipality may pass by-laws, Registration of group homes

(*a*) providing for the registration and the annual renewal of registration, with the registrar, of group homes or such class or classes thereof as may be set out in the by-law;

(*b*) prohibiting any person from owning or operating a group home that is not registered in accordance with a by-law passed under this section;

- (c) fixing fees for the registration and renewal of registration of group homes; and
- (d) authorizing the registrar to register and renew registrations required by a by-law passed under clause *a*.

Duty of
registrar

(3) Where an application is made to the registrar of a municipality in the form prescribed by a by-law of the municipality under subsection 2 for the registration or renewal of registration of a group home, the registrar shall register or renew the registration, as the case may be, of the group home.

Inspection

(4) Where the registrar has reasonable and probable grounds to believe that any person is operating a group home that is not registered in accordance with a by-law passed under this section, the registrar or a person acting on his instructions may, under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*, enter and inspect the property for the purpose of determining whether or not the property is being used as a group home.

R.S.O. 1970,
c. 450

Restricted
area by-law
required
R.S.O. 1970,
c. 349

(5) No council may pass by-laws under this section unless there is in effect in the municipality a by-law passed under section 35 of *The Planning Act* that permits the establishment and use of group homes in the municipality.

ss. 389f, 389g,
enacted

9.—(1) The said Act is further amended by adding thereto the following sections:

Remuneration
where two
or more
municipalities
appoint
members of
local
board
R.S.O. 1970,
c. 118

389f.—(1) Notwithstanding sections 389a and 389e, where two or more municipalities appoint members to the same local board, as defined in *The Municipal Affairs Act*, a majority of the municipalities represented by at least one-half of the total number of members on the local board may, by a resolution passed by the council of each municipality on or before the 15th day of February in each year, establish the remuneration to be paid to all members of the local board appointed by municipal councils in respect of their service as a member of that local board.

Idem

(2) A resolution passed under subsection 1 may establish different amounts for or different manners of remunerating different members of the same local board.

Expenses

(3) Notwithstanding sections 389b and 389e, subsection 1 applies with necessary modifications to the establishment of the expenses payable to members of the local board where the expenses are incurred as a result of the persons acting in their capacity as members of the local board, and subsections 2 and 3 of section 389 apply with necessary modifications to a resolution passed under this subsection.

(4) For the purposes of this section, “local board” does not include a public utilities commission or a hydro-electric commission. Interpretation

(5) This section applies with necessary modifications to a member of council who serves pursuant to this or any other general or special Act as an *ex officio* member of such local board. *Ex officio* members

(6) Where no resolution is passed on or before the 15th day of February as provided in subsection 1, a person described in subsection 1 shall be paid such remuneration as was established for the person or his predecessor for the preceding year and he shall be paid his expenses in accordance with the method of reimbursement established for the person or his predecessor for the preceding year, whether the remuneration and expenses were established by the local board or the municipality appointing the person. Where no resolution

(7) For the purposes of subsection 6, amounts paid under subsection 2 of section 389c shall not be included as remuneration or expenses established for the preceding year. Amounts not to be included as remuneration or expenses of preceding year

(8) Notwithstanding any other provisions of this Act, but subject to subsection 2 of section 389c, the remuneration and expenses of a person described in subsection 1 shall be established in accordance with this section and shall be paid by the local board out of the funds of the local board and not by the council of the municipality that appointed the person to the board. Payment by local board

(9) In this section, “municipality” includes a regional, metropolitan and district municipality and the County of Oxford. Interpretation

389g. Notwithstanding sections 389a to 389f, a conservation authority is responsible for establishing and paying the remuneration and expenses of the members of the conservation authority appointed by its participating municipalities, unless the conservation authority passes a resolution transferring the responsibility for establishing remuneration and expenses to the participating municipalities, in which case the remuneration and expenses shall be established and paid in accordance with section 389f. Conservation authorities

(2) Subsection 2 of section 13 of *The Municipal Amendment Act, 1978*, being chapter 101, is repealed. 1978, c. 101, s. 13 (2), repealed

10. The said Act is further amended by adding thereto the following section: s. 390b. enacted

390b. The council of every municipality may pass by-laws for providing for any or all of the members of council any benefits that may be provided for the employees of a municipality under paragraphs 66 and 67 of section 352 and for any other benefits of a like nature that the council considers appropriate. Insurance, hospitalization, etc.

s. 636a (1) (c),
re-enacted

11. Clause *c* of subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is repealed and the following substituted therefor:

(c) in respect of a building that during the year or during the preceding year after the return of the assessment roll,

(i) was razed by fire, demolition or otherwise, or

(ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage.

Commence-
ment

12.—(1) This Act, except sections 1 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 9 come into force on the 1st day of January, 1980.

Short title

13. The short title of this Act is *The Municipal Amendment Act, 1979*.

An Act to amend
The Municipal Act

1st Reading

November 9th, 1979

2nd Reading

December 3rd, 1979

3rd Reading

December 18th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

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Government
Publications

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the
Composition of the Council of the Town of Midland

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The section to be repealed reads as follows:

37. *Notwithstanding the provisions of The Municipal Act, from and after the 1st day of January, 1938, the municipal council of the Town of Midland shall be composed of a mayor, reeve, deputy reeve, if entitled thereto under the said Act, and one councillor for each of the wards of the said town.*

The effect of the repeal is that the composition of the Midland Town Council, commencing at the next general election in 1980, will again be governed by the provisions of The Municipal Act.

BILL 174

1979

**An Act respecting
the Composition of the Council
of the Town of Midland**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Statute Law Amendment Act, 1937*, being chapter 72, is repealed. 1937, c. 72,
s. 37,
repealed

2. This Act comes into force on the day it receives Royal Assent and takes effect at and for the purposes of the regular election of the council of the Town of Midland to be held in 1980. Commence-
ment

3. The short title of this Act is *The Council of the Town of Midland Act, 1979*. Short title

An Act respecting
the Composition of the Council
of the Town of Midland

1st Reading

November 9th, 1979

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

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BILL 174

3RD SESSION, 31ST LEGISLATURE, ¹ONTARIO
28 ELIZABETH II, 1979

2nd Legislative Assembly

**An Act respecting the
Composition of the Council of the Town of Midland**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 174

1979

**An Act respecting
the Composition of the Council
of the Town of Midland**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Statute Law Amendment Act, 1937*, being chapter 72, is repealed. 1937, c. 72,
s. 37,
repealed

2. This Act comes into force on the day it receives Royal Assent and takes effect at and for the purposes of the regular election of the council of the Town of Midland to be held in 1980. Commence-
ment

3. The short title of this Act is *The Council of the Town of Midland Act, 1979*. Short title

BILL 174

An Act respecting
the Composition of the Council
of the Town of Midland

1st Reading

November 9th, 1979

2nd Reading

December 17th, 1979

3rd Reading

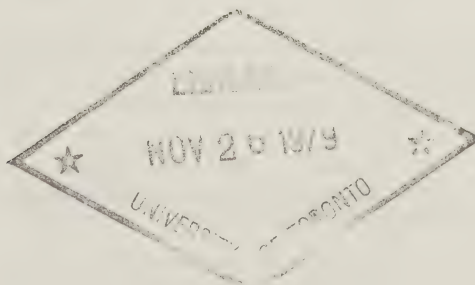
December 18th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Highway Traffic Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications



EXPLANATORY NOTES

SECTION 1. The new definitions being added are complementary to sections 2 and 3 of the Bill.

SECTION 2. The effect of the new clause is to permit the Lieutenant Governor in Council to make regulations in respect of the matter referred to.

SECTION 3. The new section permits a motor vehicle inspection station mechanic to road test a motor vehicle that does not have regular number plates if the vehicle is equipped with a special number plate supplied for that purpose.

SECTION 4. The Act now provides that where a person who does not hold a licence would have had his licence suspended had he held one, he is deemed, for purposes of the Act, to have had his licence suspended. The amendment provides that the provision is also deemed for purposes of the regulations.

BILL 175

1979

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5a of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 66, section 1, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: s. 5a,
amended

(a) "MVIS number plate" means a number plate issued to a licensee as defined in section 58;

.

(ba) "registrant" has the same meaning as in section 58.

2. Subsection 7 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 66, section 2, is amended by adding thereto the following clause: s. 6 (7),
amended

(g) respecting MVIS number plates for motor vehicles while the vehicles are in the care and control of licensees as defined in section 58 and regulating the operation of the vehicles by the said licensees.

3. The said Act is amended by adding thereto the following section: s. 8a,
enacted

8a. Notwithstanding sections 6 and 8 and clause *d* of section 9, a motor vehicle may be driven on a highway by a registrant carrying out a road test of the vehicle in the course of his duties as a registrant where an MVIS number plate issued by the Ministry or a person authorized by the Minister is displayed on the motor vehicle in the manner prescribed by the regulations. Road
test

4. Section 31 of the said Act is amended by inserting after "Act" in the first line and in the fourth line "or the regulations". s. 31,
amended

s. 33a,
amended

- 5.—(1) Section 33a of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 24, section 3, is amended by striking out “drivers’ licences issued to” in the second line.

s. 33a (b),
amended

- (2) Clause b of the said section 33a is amended by striking out “holder of a driver’s licence” in the second line and inserting in lieu thereof “person”.

s. 33a,
amended

- (3) The said section 33a is further amended by adding thereto the following clause:

- (f) prescribing modifications to the demerit point system prescribed under section 33 in so far as it applies to probationary drivers and exempting probationary drivers from any of the provisions of the said demerit point system.

s. 36a,
re-enacted

6. Section 36a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 78, section 4, is repealed and the following substituted therefor:

Interpreta-
tion

36a. In this Part,

R.S.O. 1970,
c. 20

- (a) “ambulance” includes an ambulance as defined in *The Ambulance Act* and a cardiac arrest emergency vehicle operated by or under the authority of a hospital;
- (b) “fire department vehicle” includes an emergency crash extrication vehicle owned and operated by a rescue organization approved by the Minister in writing for the purposes of this Part;
- (c) “motor vehicle” does not include a motor assisted bicycle.

s. 96 (1) (a),
amended

7. Clause a of subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 57, section 10, is amended,

- (a) by striking out subclause i and inserting in lieu thereof the following:
- (i) a fire department vehicle while proceeding to a fire or responding to, but not returning from, a fire alarm or other emergency call.
- (b) by striking out “or” at the end of subclause ii;
- (c) by inserting “or” at the end of subclause iii; and

SECTION 5. The amendments clarify the authority to make regulations in respect of probationary drivers.

SECTION 6. Definitions of "ambulance" and "fire department vehicle" are added to Part V of the Act dealing with equipment.

SECTION 7. The amendments expand the definition of an emergency vehicle.

SECTION 8. Section 106 of the Act sets out the procedure to be followed by drivers when an emergency vehicle approaches with siren on. The definitions of "ambulance" and "fire department vehicle" are made to coincide with the definitions in Part V of the Act.

(d) by adding thereto the following subclause:

(iv) a cardiac arrest emergency vehicle operated by or under the authority of a hospital.

8. Section 106 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 29 and 1977, chapter 19, section 12, is further amended by adding thereto the following subsection: s. 106, amended

(3) In this section, "ambulance" and "fire department vehicle" have the same meaning as in section 36a. Interpretation

- 9.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1, 2 and 3 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

10. The short title of this Act is *The Highway Traffic Amendment Act, 1979*. Short title

BILL 175

An Act to amend
The Highway Traffic Act

1st Reading

November 15th, 1979

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Transportation
and Communications

(Government Bill)

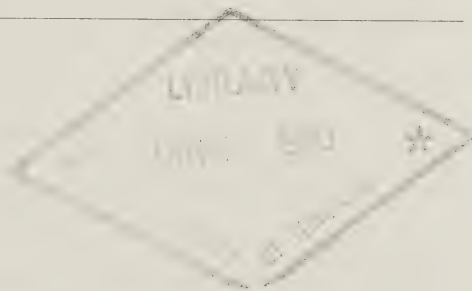
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BILL 175

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications



BILL 175

1979

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5a of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 66, section 1, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: s. 5a.
amended

(a) “MVIS number plate” means a number plate issued to a licensee as defined in section 58;

.

(ba) “registrant” has the same meaning as in section 58.

2. Subsection 7 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 66, section 2, is amended by adding thereto the following clause: s. 6 (7).
amended

(g) respecting MVIS number plates for motor vehicles while the vehicles are in the care and control of licensees as defined in section 58 and regulating the operation of the vehicles by the said licensees.

3. The said Act is amended by adding thereto the following section: s. 8a.
enacted

8a. Notwithstanding sections 6 and 8 and clause *d* of section 9, a motor vehicle may be driven on a highway by a registrant carrying out a road test of the vehicle in the course of his duties as a registrant where an MVIS number plate issued by the Ministry or a person authorized by the Minister is displayed on the motor vehicle in the manner prescribed by the regulations. Road
test

4. Section 31 of the said Act is amended by inserting after “Act” in the first line and in the fourth line “or the regulations”. s. 31.
amended

s. 33a.
amended

- 5.—(1) Section 33a of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 24, section 3, is amended by striking out “drivers’ licences issued to” in the second line.

s. 33a (b).
amended

- (2) Clause b of the said section 33a is amended by striking out “holder of a driver’s licence” in the second line and inserting in lieu thereof “person”.

s. 33a.
amended

- (3) The said section 33a is further amended by adding thereto the following clause:

- (f) prescribing modifications to the demerit point system prescribed under section 33 in so far as it applies to probationary drivers and exempting probationary drivers from any of the provisions of the said demerit point system.

s. 36a.
re-enacted

6. Section 36a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 78, section 4, is repealed and the following substituted therefor:

Interpreta-
tion

36a. In this Part,

R.S.O. 1970.
c. 20

- (a) “ambulance” includes an ambulance as defined in *The Ambulance Act* and a cardiac arrest emergency vehicle operated by or under the authority of a hospital;
- (b) “fire department vehicle” includes an emergency crash extrication vehicle owned and operated by a rescue organization approved by the Minister in writing for the purposes of this Part;
- (c) “motor vehicle” does not include a motor assisted bicycle.

s. 96 (1) (a).
amended

7. Clause a of subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 57, section 10, is amended,

- (a) by striking out subclause i and inserting in lieu thereof the following:

- (i) a fire department vehicle while proceeding to a fire or responding to, but not returning from, a fire alarm or other emergency call.

- (b) by striking out “or” at the end of subclause ii;

- (c) by inserting “or” at the end of subclause iii; and

(d) by adding thereto the following subclause:

- (iv) a cardiac arrest emergency vehicle operated by or under the authority of a hospital.

8. Section 106 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 29 and 1977, chapter 19, section 12, is further amended by adding thereto the following subsection: s. 106,
amended

(3) In this section, "ambulance" and "fire department vehicle" have the same meaning as in section 36a. Interpreta-
tion

9.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1, 2 and 3 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

10. The short title of this Act is *The Highway Traffic Amendment Act, 1979*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

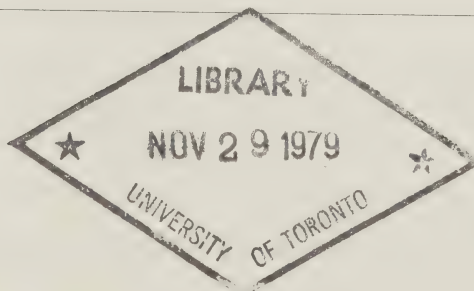
December 6th, 1979

THE HON. J. W. SNOW
Minister of Transportation
and Communications

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Architects Act

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Subsection 2 of section 5 of the Act is as follows:

(2) *No corporation shall be granted membership in the Association or be licensed to practise architecture in Ontario.*

SECTION 2. Subsection 4 of section 16 of the Act begins with the words "Nothing in this Act prevents or shall be construed to prevent", followed by a number of clauses. The amendment adds a new clause.

BILL 176

1979

An Act to amend The Architects Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Architects Act*, being chapter 27 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
 - (3) Subsection 2 does not prevent a member of the Association from offering or providing architectural services to a corporation in order to enable the corporation to provide architectural services in respect of a work or project situate outside Ontario.
2. Subsection 4 of section 16 of the said Act is amended,
 - (a) by striking out "or" at the end of clause i and adding "or" at the end of clause j; and
 - (b) by adding thereto the following clause:
 - (k) a corporation from offering or providing the architectural services of a member of the Association in respect of a work or project situate outside Ontario.
3. This Act comes into force on the day it receives Royal Assent.
4. The short title of this Act is *The Architects Amendment Act, 1979*.

s. 5,
amended

Exception

s. 16 (+),
amendedCommence-
ment

Short title

BILL 176

An Act to amend
The Architects Act

1st Reading

November 15th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

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BILL 176

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

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An Act to amend The Architects Act

THE HON. R. MCMURTRY
Attorney General

BILL 176

1979

An Act to amend The Architects Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Architects Act*, being chapter 27 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
 - (3) Subsection 2 does not prevent a member of the Association from offering or providing architectural services to a corporation in order to enable the corporation to provide architectural services in respect of a work or project situate outside Ontario. s. 5,
amended
2. Subsection 4 of section 16 of the said Act is amended, s. 16 (4),
amended
 - (a) by striking out “or” at the end of clause i and adding “or” at the end of clause j; and
 - (b) by adding thereto the following clause:
 - (k) a corporation from offering or providing the architectural services of a member of the Association in respect of a work or project situate outside Ontario.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Architects Amendment Act, 1979*. Short title

An Act to amend
The Architects Act

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 18th, 1979

THE HON. R. MCMURTRY
Attorney General

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BILL 177

Government
Publications
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Legislative Assembly

An Act to amend
The Compensation for Victims of Crime Act, 1971

THE HON. R. MCMURTRY
Attorney General



EXPLANATORY NOTE

Subsection 1 of section 3 of the Act at present reads as follows:

- (1) *The Law Enforcement Compensation Board, established under The Law Enforcement Compensation Act, 1967, is continued and shall be known as the Criminal Injuries Compensation Board and shall be composed of not fewer than five and not more than seven members who shall be appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chairman and one or more of them as vice-chairmen.*

The amendment would permit the Lieutenant Governor in Council to appoint such number of members as are considered necessary.

BILL 177

1979

**An Act to amend
The Compensation for Victims of Crime Act, 1971**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Subsection 1 of section 3 of *The Compensation for Victims of Crime Act, 1971*, being chapter 51, is amended by striking out "not fewer than five and not more than seven members who shall be" in the fourth and fifth lines and inserting in lieu thereof "such members as are". s. 3 (1),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Compensation for Victims of Crime Amendment Act, 1979*. Short title

BILL 177

An Act to amend The Compensation for
Victims of Crime Act, 1971

1st Reading

November 15th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

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BILL 177

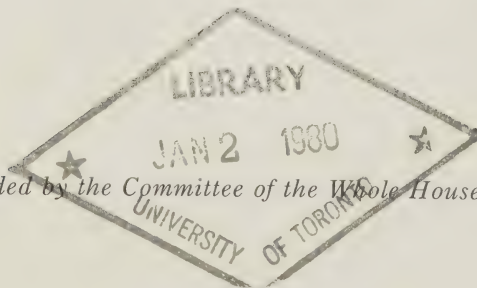
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Legislative Assembly

An Act to amend
The Compensation for Victims of Crime Act, 1971

THE HON. R. MCMURTRY
Attorney General



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Subsection 1 of section 3 of the Act at present reads as follows:

- (1) The Law Enforcement Compensation Board, established under The Law Enforcement Compensation Act, 1967, is continued and shall be known as the Criminal Injuries Compensation Board and shall be composed of not fewer than five and not more than seven members who shall be appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chairman and one or more of them as vice-chairmen.*

The amendment would permit the Lieutenant Governor in Council to appoint such additional members as are considered necessary.

BILL 177

1979

**An Act to amend
The Compensation for Victims of Crime Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Compensation for Victims of Crime Act, 1971*, being chapter 51, is amended by striking out "not fewer than five and not more than seven members who shall be" in the fourth and fifth lines and inserting in lieu thereof "such number of members, not fewer than five, as are". s. 3 (1),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Compensation for Victims of Crime Amendment Act, 1979*. Short title

BILL 177

An Act to amend The Compensation for
Victims of Crime Act, 1971

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

THE HON. R. McMURTRY
Attorney General

*(Reprinted as amended by the
Committee of the Whole House)*

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BILL 177

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Compensation for Victims of Crime Act, 1971**

THE HON. R. MCMURTRY
Attorney General



BILL 177

1979

An Act to amend
The Compensation for Victims of Crime Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Compensation for Victims of Crime Act, 1971*, being chapter 51, is amended by striking out "not fewer than five and not more than seven members who shall be" in the fourth and fifth lines and inserting in lieu thereof "such number of members, not fewer than five, as are". s. 3 (1),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Compensation for Victims of Crime Amendment Act, 1979*. Short title

An Act to amend The Compensation for
Victims of Crime Act, 1971

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

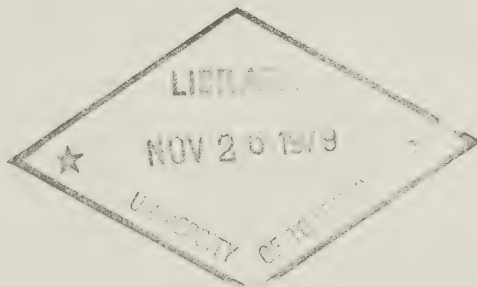
December 6th, 1979

THE HON. R. McMURRY
Attorney General

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide for the
Enforcement of Interprovincial Subpoenas

THE HON. R. McMURTRY
Attorney General



EXPLANATORY NOTE

The Bill provides a procedure for enforcing in Ontario a subpoena issued in another province or in a territory for the attendance of a person who is in Ontario.

The Bill closely follows the Uniform Interprovincial Subpoenas Act recommended by the Uniform Law Conference of Canada which has been adopted in British Columbia, Saskatchewan, Manitoba, New Brunswick, Newfoundland and the Northwest Territories.

BILL 178

1979

An Act to provide for the Enforcement of Interprovincial Subpoenas

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “court” means any court in a province;
- (b) “province” means any province of Canada and includes the Yukon Territory and the Northwest Territories;
- (c) “subpoena” means a subpoena or other document issued by a court requiring a person within a province other than the province of the issuing court to attend as a witness at a trial or hearing, to produce documents or other things or to testify before the issuing court.

2.—(1) A court in Ontario shall receive and adopt as an order of the court a subpoena from a court outside Ontario if,

Adoption
of inter-
provincial
subpoena

- (a) the subpoena is accompanied by a certificate signed by a judge of a superior, county or district court of the issuing province and impressed with the seal of that court, signifying that, upon hearing and examining the applicant, the judge is satisfied that the attendance in the issuing province of the person subpoenaed,
 - (i) is necessary for the due adjudication of the proceeding in which the subpoena is issued, and
 - (ii) in relation to the nature and importance of the cause or proceeding is reasonable and essential to the due administration of justice in that province; and

- (b) the subpoena is accompanied by the witness fees and travelling expenses in accordance with Schedule 1.

Form of
certificate

(2) The certificate to which reference is made in clause *a* of subsection 1 may be in the form set out in Schedule 2 or in a form to the like effect.

Immunity by
law of other
province

3. A court in Ontario shall not receive a subpoena from another province under section 2 unless the law of that other province has a provision similar to section 6 providing absolute immunity to a person in Ontario who is required to attend as a witness in the other province from all proceedings of the nature set out in section 6 and within the jurisdiction of the Legislature of that other province except only those proceedings grounded on events occurring during or after the required attendance of the person in the other province.

Failure to
comply with
adopted sub-
poena

4. Where a person who has been served with a subpoena adopted under section 2 and given the witness fees and travelling expenses in accordance with Schedule 1 not less than ten days, or such shorter period as the judge of the court in the issuing province may indicate in his certificate, before the date the person is required to attend in the issuing court, fails without lawful excuse to comply with the order, he is in contempt of the adopting court and subject to such penalty as that court may impose.

Proceedings
in Ontario

5.—(1) Where a party to a proceeding in any court in Ontario causes a subpoena to be issued for service in another province, the party may attend upon a judge of the High Court, or of a county or district court, who shall hear and examine the party or his counsel, if any, and, upon being satisfied that the attendance in Ontario of the person required in Ontario as a witness,

(a) is necessary for the due adjudication of the proceeding in which the subpoena or other document has been issued; and

(b) in relation to the nature and importance of the proceedings, is reasonable and essential to the due administration of justice in Ontario,

shall sign a certificate which may be in the form set out in Schedule 2 and shall cause the certificate to be impressed with the seal of the court.

Certificate
to be
attached to
and endorsed
on subpoena

(2) The certificate shall be either attached to or endorsed on the subpoena.

No sub-
mission to
jurisdiction

6. A person required to attend before a court in Ontario by a subpoena adopted by a court outside Ontario shall be deemed, while within Ontario for the purposes for which the subpoena was issued, not to have submitted to the jurisdiction of the courts of Ontario other than as a witness in the proceedings in which he is

subpoenaed and shall be absolutely immune from seizure of goods, service of process, execution of judgment, garnishment, imprisonment or molestation of any kind relating to a legal or judicial right, cause, action, proceeding or process within the jurisdiction of the Legislature of Ontario except only those proceedings grounded on events occurring during or after the required attendance of the person in Ontario.

7. Where a person is required to attend before a court in Ontario by a subpoena adopted by a court outside Ontario, he may request the court in Ontario to order additional fees and expenses to be paid in respect of his attendance as a witness and the court, if it is satisfied that the amount of fees and expenses previously paid to the person in respect of his attendance is insufficient, may order the party who obtained the subpoena to pay the person forthwith such additional fees and expenses as the court considers sufficient, and amounts paid pursuant to an order made under this section are disbursements in the cause.

Order for
additional
witness fees
and expenses

8. This Act does not apply to a subpoena that is issued with respect to a criminal offence under an Act of the Parliament of Canada.

Non-applica-
tion of Act

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

10. The short title of this Act is *The Interprovincial Subpoenas Act, 1979*.

Short title

SCHEDULE 1

WITNESS FEES AND TRAVELLING EXPENSES

The witness fees and travelling expenses required to be given to the witness upon service of an interprovincial subpoena shall be a sum of money, or a sum of money together with valid travel warrants, sufficient to satisfy the following requirements:

1. The fare for transportation by the most direct route via public commercial passenger carrier between the witness's place of residence and the place at which the witness is required to attend in court, in accordance with the following rules:

If the journey or part of it can be made by air, rail or bus, that portion of the journey shall be by airline, rail or bus by tourist class or equivalent class via carriers on which the witness can complete his total journey to the place where he is required to attend in court on the day before his attendance is required.

If railway transportation is necessary for part of the journey and sleeping accommodation would normally be obtained for such a journey, the fare for sleeping accommodation shall be included.

In the calculation of the fare for transportation, the most rapid form of transportation by regularly scheduled carrier shall be accorded priority over all other forms.

If the material which the witness is required to produce in court is of such weight or size as to attract extra fares or charges, the amount so required shall be included.

2. The cost of hotel accommodation for not less than three days at the place where the witness is required to attend in court, in an amount not less than \$60.
3. The cost of meals for the total journey and for not less than three days at the place where the witness is required to attend in court, in an amount not less than \$48.
4. In addition to the amounts described above, an allowance of \$20 for each day of absence from the ordinary residence of the witness, and the witness shall be paid on account of this allowance not less than \$60.

SCHEDULE 2

CERTIFICATE

I, a judge of the certify that I
(name of judge) (name of court)

have heard and examinedwho seeks to compel
(name of applicant party
or his counsel)

the attendance of to produce documents or
(name of witness)

other articles or to testify, or both, in a proceeding in Ontario in the
..... styled
(name of court in which witness is to appear)

..... I further certify that I am persuaded that the
(style of proceeding)

appearance of as a witness in the proceeding is
(name of witness)

necessary for the due adjudication of the proceeding, and, in relation to the nature and importance of cause or proceeding, is reasonable and essential to the due administration of justice in Ontario.

The Interprovincial Subpoenas Act, 1979 makes the following provision for
the immunity of
(name of witness)

A person required to attend before a court in Ontario by a subpoena adopted by a court outside Ontario shall be deemed, while within Ontario for the purposes for which the subpoena was issued, not to have submitted to the jurisdiction of the courts of Ontario other than as a witness in the proceedings in which he is subpoenaed and shall be absolutely immune from seizure of goods, service of process, execution of judgment, garnishment, imprisonment or molestation of any kind relating to a legal or judicial right, cause, action, proceeding or process within the jurisdiction of the Legislature of Ontario except only those proceedings grounded on events occurring during or after the required attendance of the person in Ontario.

Dated this day of 19...

(seal of the court)

.....
(Signature of judge)

BILL 178

An Act to provide for
the Enforcement of Interprovincial
Subpoenas

1st Reading

November 15th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

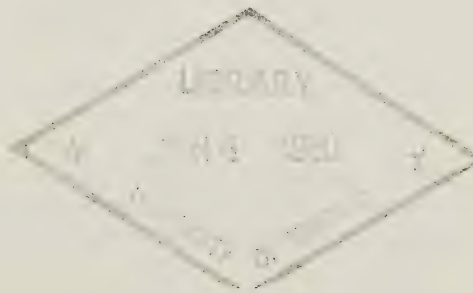
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BILL 178

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide for the
Enforcement of Interprovincial Subpoenas

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 178

1979

An Act to provide for the Enforcement of Interprovincial Subpoenas

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “court” means any court in a province;
- (b) “province” means any province of Canada and includes the Yukon Territory and the Northwest Territories;
- (c) “subpoena” means a subpoena or other document issued by a court requiring a person within a province other than the province of the issuing court to attend as a witness at a trial or hearing, to produce documents or other things or to testify before the issuing court.

2.—(1) A court in Ontario shall receive and adopt as an order of the court a subpoena from a court outside Ontario if,

Adoption
of inter-
provincial
subpoena

- (a) the subpoena is accompanied by a certificate signed by a judge of a superior, county or district court of the issuing province and impressed with the seal of that court, signifying that, upon hearing and examining the applicant, the judge is satisfied that the attendance in the issuing province of the person subpoenaed,
 - (i) is necessary for the due adjudication of the proceeding in which the subpoena is issued, and
 - (ii) in relation to the nature and importance of the cause or proceeding is reasonable and essential to the due administration of justice in that province; and
- (b) the subpoena is accompanied by the witness fees and travelling expenses in accordance with Schedule 1.

Form of
certificate

(2) The certificate to which reference is made in clause *a* of subsection 1 may be in the form set out in Schedule 2 or in a form to the like effect.

Immunity by
law of other
province

3. A court in Ontario shall not receive a subpoena from another province under section 2 unless the law of that other province has a provision similar to section 6 providing absolute immunity to a person in Ontario who is required to attend as a witness in the other province from all proceedings of the nature set out in section 6 and within the jurisdiction of the Legislature of that other province except only those proceedings grounded on events occurring during or after the required attendance of the person in the other province.

Failure to
comply with
adopted sub-
poena

4. Where a person who has been served with a subpoena adopted under section 2 and given the witness fees and travelling expenses in accordance with Schedule 1 not less than ten days, or such shorter period as the judge of the court in the issuing province may indicate in his certificate, before the date the person is required to attend in the issuing court, fails without lawful excuse to comply with the order, he is in contempt of the adopting court and subject to such penalty as that court may impose.

Proceedings
in Ontario

5.—(1) Where a party to a proceeding in any court in Ontario causes a subpoena to be issued for service in another province, the party may attend upon a judge of the High Court, or of a county or district court, who shall hear and examine the party or his counsel, if any, and, upon being satisfied that the attendance in Ontario of the person required in Ontario as a witness,

(a) is necessary for the due adjudication of the proceeding in which the subpoena or other document has been issued; and

(b) in relation to the nature and importance of the proceedings, is reasonable and essential to the due administration of justice in Ontario,

shall sign a certificate which may be in the form set out in Schedule 2 and shall cause the certificate to be impressed with the seal of the court.

Certificate
to be
attached to
and endorsed
on subpoena

(2) The certificate shall be either attached to or endorsed on the subpoena.

No sub-
mission to
jurisdiction

6. A person required to attend before a court in Ontario by a subpoena adopted by a court outside Ontario shall be deemed, while within Ontario for the purposes for which the subpoena was issued, not to have submitted to the jurisdiction of the courts of Ontario other than as a witness in the proceedings in which he is

subpoenaed and shall be absolutely immune from seizure of goods, service of process, execution of judgment, garnishment, imprisonment or molestation of any kind relating to a legal or judicial right, cause, action, proceeding or process within the jurisdiction of the Legislature of Ontario except only those proceedings grounded on events occurring during or after the required attendance of the person in Ontario.

7. Where a person is required to attend before a court in Ontario by a subpoena adopted by a court outside Ontario, he may request the court in Ontario to order additional fees and expenses to be paid in respect of his attendance as a witness and the court, if it is satisfied that the amount of fees and expenses previously paid to the person in respect of his attendance is insufficient, may order the party who obtained the subpoena to pay the person forthwith such additional fees and expenses as the court considers sufficient, and amounts paid pursuant to an order made under this section are disbursements in the cause.

Order for
additional
witness fees
and expenses

8. This Act does not apply to a subpoena that is issued with respect to a criminal offence under an Act of the Parliament of Canada.

Non-applica-
tion of Act

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

10. The short title of this Act is *The Interprovincial Subpoenas Act, 1979*.

Short title

SCHEDULE 1

WITNESS FEES AND TRAVELLING EXPENSES

The witness fees and travelling expenses required to be given to the witness upon service of an interprovincial subpoena shall be a sum of money, or a sum of money together with valid travel warrants, sufficient to satisfy the following requirements:

1. The fare for transportation by the most direct route via public commercial passenger carrier between the witness's place of residence and the place at which the witness is required to attend in court, in accordance with the following rules:

If the journey or part of it can be made by air, rail or bus, that portion of the journey shall be by airline, rail or bus by tourist class or equivalent class via carriers on which the witness can complete his total journey to the place where he is required to attend in court on the day before his attendance is required.

If railway transportation is necessary for part of the journey and sleeping accommodation would normally be obtained for such a journey, the fare for sleeping accommodation shall be included.

In the calculation of the fare for transportation, the most rapid form of transportation by regularly scheduled carrier shall be accorded priority over all other forms.

If the material which the witness is required to produce in court is of such weight or size as to attract extra fares or charges, the amount so required shall be included.

2. The cost of hotel accommodation for not less than three days at the place where the witness is required to attend in court, in an amount not less than \$60.
3. The cost of meals for the total journey and for not less than three days at the place where the witness is required to attend in court, in an amount not less than \$48.
4. In addition to the amounts described above, an allowance of \$20 for each day of absence from the ordinary residence of the witness, and the witness shall be paid on account of this allowance not less than \$60.

SCHEDULE 2

CERTIFICATE

I, a judge of the certify that I
(name of judge) (name of court)

have heard and examined who seeks to compel
(name of applicant party
or his counsel)
the attendance of to produce documents or
(name of witness)

other articles or to testify, or both, in a proceeding in Ontario in the
..... styled
(name of court in which witness is to appear)

..... I further certify that I am persuaded that the
(style of proceeding)

appearance of as a witness in the proceeding is
(name of witness)

necessary for the due adjudication of the proceeding, and, in relation to the nature and importance of cause or proceeding, is reasonable and essential to the due administration of justice in Ontario.

The Interprovincial Subpoenas Act, 1979 makes the following provision for
the immunity of
(name of witness)

A person required to attend before a court in Ontario by a subpoena adopted by a court outside Ontario shall be deemed, while within Ontario for the purposes for which the subpoena was issued, not to have submitted to the jurisdiction of the courts of Ontario other than as a witness in the proceedings in which he is subpoenaed and shall be absolutely immune from seizure of goods, service of process, execution of judgment, garnishment, imprisonment or molestation of any kind relating to a legal or judicial right, cause, action, proceeding or process within the jurisdiction of the Legislature of Ontario except only those proceedings grounded on events occurring during or after the required attendance of the person in Ontario.

Dated this day of 19...

(seal of the court)

.....
(Signature of judge)

An Act to provide for
the Enforcement of Interprovincial
Subpoenas

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. R. McMURTRY
Attorney General

BILL 179

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

The Powers of Attorney Act, 1979

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill implements the recommendations of the Ontario Law Reform Commission Report on Powers of Attorney, 1972.

The power to grant a power of attorney exercisable after the death of the donor is deleted and provision is made, with safeguard procedures, for granting a power of attorney exercisable after the mental incapacity of the donor. Also, the Bill provides for a simplified form of general power of attorney.

BILL 179

1979

The Powers of Attorney Act, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “attorney” means the donee of a power of attorney or where a power of attorney is given to two or more persons, whether jointly or severally or both, means any one or more of such persons;
- (b) “legal incapacity” means mental infirmity of such a nature as would, but for this Act, invalidate or terminate a power of attorney and “legal capacity” has a corresponding meaning.

2. A general power of attorney may be in Form 1 and is sufficient authority for the donee of the power or, where there is more than one donee, for the donees acting jointly or acting jointly and severally, as the case may be, to do on behalf of the donor anything that the donor can lawfully do by an attorney, subject to such conditions and restrictions, if any, as are contained therein.

Form of
general
power of
attorney

3.—(1) Where a power of attorney is terminated, any subsequent exercise of the power by the attorney is valid and binding as between the donor or the estate of the donor and any person, including the attorney, who acted in good faith and without knowledge of the termination.

Exercise of
power after
termination

(2) Where money is paid in the exercise of a power of attorney to which subsection 1 applies, nothing in subsection 1 affects the right of any person entitled to the money against the person to whom the payment is made, and the person so entitled has the same remedy against the person to whom the payment is made as he would have had against the person making the payment.

Saving

POWER OF ATTORNEY DURING LEGAL INCAPACITY

- Application of ss. 5-10 **4.** Sections 5 to 10 apply notwithstanding any agreement or waiver to the contrary.
- Powers of attorney exercisable while donor without capacity **5.** A provision in a power of attorney expressly stating that it may be exercised during any subsequent legal incapacity of the donor is valid and effectual, subject to such conditions and restrictions, if any, as are contained therein and not inconsistent with this Act.
- Execution **6.** A power of attorney that contains a provision referred to in section 5 shall be executed in the presence of a witness who is not the attorney or the attorney's spouse.
- Revocable **7.** A power of attorney that contains a provision referred to in section 5 may be revoked by the donor at any time while he has legal capacity.
- Effect of declaration of mental incompetency **8.** A power of attorney that contains a provision referred to in section 5 becomes invalid and of no effect, notwithstanding such provision, where,
- (a) an order has been made declaring the donor a mentally incompetent person and upon the appointment of a committee;
 - (b) an order has been made declaring the donor incapable of managing his affairs under section 39 of *The Mental Incompetency Act* and upon the appointment of a committee;
 - (c) the Public Trustee becomes committee of the estate of the donor.
- R.S.O. 1970, c. 271 **9.**—(1) Where a power of attorney contains a provision referring to in section 5 and the donor subsequently is without legal capacity, any person having an interest in the estate of the donor or any other person permitted by the court may, during such incapacity, apply to the surrogate court in the county or district where the donor or the donee resides for an order requiring the attorney to pass his accounts for transactions involving an exercise of the power during the incapacity of the donor, and the court may order the attorney to pass such accounts or such part thereof as is provided in the order.
- Passing accounts (2) Where an order is made under subsection 1, the attorney shall file his accounts in the office of the surrogate court and the proceedings and practice upon the passing of the accounts shall be the same and of the like effect as the passing of executors' or administrators' accounts in the surrogate court.
- Procedure and effect

(3) The Public Trustee may apply under subsection 1 in the same manner as a person interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate. Application by Public Trustee

10.—(1) Where a power of attorney contains a provision referred to in section 5 and the donor subsequently is without legal capacity, any person having an interest in the estate of the donor or any other person permitted by the court may, during such incapacity, apply to the surrogate court in the county or district where the donor or the donee resides for an order substituting another person for the attorney named in the power of attorney and the court may make the order or such other order as the court considers proper. Substitution of attorney

(2) The substitution of another person for an attorney under subsection 1 shall have the like effect as the substitution of another person for a trustee under *The Trustee Act*. Effect of substitution
R.S.O. 1970,
c. 470

(3) The Public Trustee may apply under subsection 1 in the same manner as a person interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate. Application by Public Trustee

(4) The attorney may apply under subsection 1 in the same manner as a person interested in the estate of the donor, on giving notice to the Public Trustee and to all persons having an interest in the estate of the donor. Application by attorney

11.—(1) *The Powers of Attorney Act*, being chapter 357 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 375,
repealed

(2) Notwithstanding subsection 1, *The Powers of Attorney Act* continues to apply in respect of powers of attorney executed before this Act comes into force. Exception

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The Powers of Attorney Act*, 1979. Short title

Form 1

Form of Power of Attorney

THIS GENERAL POWER OF ATTORNEY is given on19...
(Date)

by of
(Donor)

I appoint of (or
(Attorney)

..... of and of
(Attorney) (Attorney)

..... jointly *or* jointly and severally) to be my attorney(s) in accordance with *The Powers of Attorney Act, 1979* and to do on my behalf anything that I can lawfully do by an attorney.

(The following paragraph may be included if the donor wishes the authority granted by this power of attorney to continue notwithstanding any subsequent mental infirmity on his part:)

IN ACCORDANCE WITH THE POWERS OF ATTORNEY ACT, 1979, I DECLARE THAT THIS POWER OF ATTORNEY MY BE EXERCISED DURING ANY SUBSEQUENT LEGAL INCAPACITY ON MY PART.

This power of attorney is subject to the following conditions and restrictions:

(N.B. this space may be left blank.)

WITNESSED BY:

.....
(Signature of Witness)

.....
(Name of Witness)

.....
(Address)

}
(Donor)

The Powers of Attorney Act, 1979

1st Reading

November 15th, 1979

2nd Reading

3rd Reading

THE HON. R. McMURTRY
Attorney General

(Government Bill)

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Government
Publications
Government Bill

3RD SESSION, 31ST LEGISLATURE, L ONTARIO
28 ELIZABETH II, 1979 T Xc

The Powers of Attorney Act, 1979

THE HON. R. MCMURTRY
Attorney General



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

This Bill implements the recommendations of the Ontario Law Reform Commission Report on Powers of Attorney, 1972.

The power to grant a power of attorney exercisable after the death of the donor is deleted and provision is made, with safeguard procedures, for granting a power of attorney exercisable after the mental incapacity of the donor. Also, the Bill provides for a simplified form of general power of attorney.

BILL 179

1979

The Powers of Attorney Act, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "attorney" means the donee of a power of attorney or where a power of attorney is given to two or more persons, whether jointly or severally or both, means any one or more of such persons;

(b) "legal incapacity" means mental infirmity of such a nature as would, but for this Act, invalidate or terminate a power of attorney and "legal capacity" has a corresponding meaning.

2. A general power of attorney may be in Form 1 and is sufficient authority for the donee of the power or, where there is more than one donee, for the donees acting jointly or acting jointly and severally, as the case may be, to do on behalf of the donor anything that the donor can lawfully do by an attorney, subject to such conditions and restrictions, if any, as are contained therein.

Form of
general
power of
attorney

3.—(1) Where a power of attorney is terminated, any subsequent exercise of the power by the attorney is valid and binding as between the donor or the estate of the donor and any person, including the attorney, who acted in good faith and without knowledge of the termination.

Exercise of
power after
termination

(2) Where money is paid in the exercise of a power of attorney to which subsection 1 applies, nothing in subsection 1 affects the right of any person entitled to the money against the person to whom the payment is made, and the person so entitled has the same remedy against the person to whom the payment is made as he would have had against the person making the payment.

Saving

POWER OF ATTORNEY DURING LEGAL INCAPACITY

- Application of ss. 5-10 **4.** Sections 5 to 10 apply notwithstanding any agreement or waiver to the contrary.
- Powers of attorney exercisable while donor without capacity **5.** A provision in a power of attorney expressly stating that it may be exercised during any subsequent legal incapacity of the donor is valid and effectual, subject to such conditions and restrictions, if any, as are contained therein and not inconsistent with this Act.
- Execution **6.** A power of attorney that contains a provision referred to in section 5 shall be executed in the presence of a witness who is not the attorney or the attorney's spouse.
- Revocable **7.** A power of attorney that contains a provision referred to in section 5 may be revoked by the donor at any time while he has legal capacity.
- Effect of declaration of mental incompetency **8.** A power of attorney that contains a provision referred to in section 5 becomes invalid and of no effect, notwithstanding such provision, where,
- (a) an order has been made declaring the donor a mentally incompetent person and upon the appointment of a committee;
 - (b) an order has been made declaring the donor incapable of managing his affairs under section 39 of *The Mental Incompetency Act* and upon the appointment of a person having the powers of a committee;
 - (c) the Public Trustee becomes committee of the estate of the donor.
- R.S.O. 1970, c. 271
- Passing accounts **9.—(1)** Where a power of attorney contains a provision referred to in section 5 and the donor subsequently is without legal capacity, any person having an interest in the estate of the donor or any other person permitted by the court may, during such incapacity, apply to the surrogate court in the county or district where the donor or the donee resides for an order requiring the attorney to pass his accounts for transactions involving an exercise of the power during the incapacity of the donor, and the court may order the attorney to pass such accounts or such part thereof as is provided in the order.
- Procedure and effect **(2)** Where an order is made under subsection 1, the attorney shall file his accounts in the office of the surrogate court and the proceedings and practice upon the passing of the accounts shall be the same and of the like effect as the passing of executors' or administrators' accounts in the surrogate court.

(3) The Public Trustee may apply under subsection 1 in the same manner as a person interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate.

Application
by Public
Trustee

10.—(1) Where a power of attorney contains a provision referred to in section 5 and the donor subsequently is without legal capacity, any person having an interest in the estate of the donor or any other person permitted by the court may, during such incapacity, apply to the surrogate court in the county or district where the donor or the donee resides for an order substituting another person for the attorney named in the power of attorney and the court may make the order or such other order as the court considers proper.

Substitution
of attorney

(2) The substitution of another person for an attorney under subsection 1 shall have the like effect as the substitution of another person for a trustee under *The Trustee Act*.

Effect of
substitution
R.S.O. 1970,
c. 470

(3) The Public Trustee may apply under subsection 1 in the same manner as a person interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate.

Application by
Public Trustee

(4) The attorney may apply under subsection 1 in the same manner as a person interested in the estate of the donor, on giving notice to the Public Trustee and to all persons having an interest in the estate of the donor.

Application
by attorney

11.—(1) *The Powers of Attorney Act*, being chapter 357 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 375,
repealed

(2) Notwithstanding subsection 1, *The Powers of Attorney Act* continues to apply in respect of powers of attorney executed before this Act comes into force.

Exception

12. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

13. This Act may be cited as *The Powers of Attorney Act*, 1979.

Short title

Form 1

Form of Power of Attorney

THIS GENERAL POWER OF ATTORNEY is given on19....
(Date)

by of
(Donor)

I appoint of (or
(Attorney)

..... of and of
(Attorney) (Attorney)

..... jointly *or* jointly and severally) to be my attorney(s) in
accordance with *The Powers of Attorney Act, 1979* and to do on my behalf anything
that I can lawfully do by an attorney.

(The following paragraph may be included if the donor wishes the authority
granted by this power of attorney to continue notwithstanding any subsequent
mental infirmity on his part:)

In accordance with *The Powers of Attorney Act, 1979*, I declare
that this power of attorney may be exercised during any sub-
sequent legal incapacity on my part.

This power of attorney is subject to the following conditions and restrictions:

(N.B. this space may be left blank.)

WITNESSED BY:

.....
(Signature of Witness)

.....
(Name of Witness)

.....
(Address)

}
}
}
}

.....
(Donor)

The Powers of Attorney Act, 1979

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

THE HON. R. MCMURTRY
Attorney General

*(Reprinted as amended by the
Committee of the Whole House)*

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Publications

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BILL 179

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979 *Legislature Act*

The Powers of Attorney Act, 1979

THE HON. R. MCMURTRY
Attorney General



BILL 179

1979

The Powers of Attorney Act, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "attorney" means the donee of a power of attorney or where a power of attorney is given to two or more persons, whether jointly or severally or both, means any one or more of such persons;
- (b) "legal incapacity" means mental infirmity of such a nature as would, but for this Act, invalidate or terminate a power of attorney and "legal capacity" has a corresponding meaning.

2. A general power of attorney may be in Form 1 and is sufficient authority for the donee of the power or, where there is more than one donee, for the donees acting jointly or acting jointly and severally, as the case may be, to do on behalf of the donor anything that the donor can lawfully do by an attorney, subject to such conditions and restrictions, if any, as are contained therein.

Form of
general
power of
attorney

3.—(1) Where a power of attorney is terminated, any subsequent exercise of the power by the attorney is valid and binding as between the donor or the estate of the donor and any person, including the attorney, who acted in good faith and without knowledge of the termination.

Exercise of
power after
termination

(2) Where money is paid in the exercise of a power of attorney to which subsection 1 applies, nothing in subsection 1 affects the right of any person entitled to the money against the person to whom the payment is made, and the person so entitled has the same remedy against the person to whom the payment is made as he would have had against the person making the payment.

Saving

POWER OF ATTORNEY DURING LEGAL INCAPACITY

- Application of ss. 5-10 **4.** Sections 5 to 10 apply notwithstanding any agreement or waiver to the contrary.
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- Revocable **7.** A power of attorney that contains a provision referred to in section 5 may be revoked by the donor at any time while he has legal capacity.
- Effect of declaration of mental incompetency **8.** A power of attorney that contains a provision referred to in section 5 becomes invalid and of no effect, notwithstanding such provision, where,
- (a) an order has been made declaring the donor a mentally incompetent person and upon the appointment of a committee;
 - (b) an order has been made declaring the donor incapable of managing his affairs under section 39 of *The Mental Incompetency Act* and upon the appointment of a person having the powers of a committee;
 - (c) the Public Trustee becomes committee of the estate of the donor.
- R.S.O. 1970, c. 271 **9.—(1)** Where a power of attorney contains a provision referred to in section 5 and the donor subsequently is without legal capacity, any person having an interest in the estate of the donor or any other person permitted by the court may, during such incapacity, apply to the surrogate court in the county or district where the donor or the donee resides for an order requiring the attorney to pass his accounts for transactions involving an exercise of the power during the incapacity of the donor, and the court may order the attorney to pass such accounts or such part thereof as is provided in the order.
- Passing accounts **9.—(1)** Where a power of attorney contains a provision referred to in section 5 and the donor subsequently is without legal capacity, any person having an interest in the estate of the donor or any other person permitted by the court may, during such incapacity, apply to the surrogate court in the county or district where the donor or the donee resides for an order requiring the attorney to pass his accounts for transactions involving an exercise of the power during the incapacity of the donor, and the court may order the attorney to pass such accounts or such part thereof as is provided in the order.
- Procedure and effect **(2)** Where an order is made under subsection 1, the attorney shall file his accounts in the office of the surrogate court and the proceedings and practice upon the passing of the accounts shall be the same and of the like effect as the passing of executors' or administrators' accounts in the surrogate court.

(3) The Public Trustee may apply under subsection 1 in the same manner as a person interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate.

Application
by Public
Trustee

10.—(1) Where a power of attorney contains a provision referred to in section 5 and the donor subsequently is without legal capacity, any person having an interest in the estate of the donor or any other person permitted by the court may, during such incapacity, apply to the surrogate court in the county or district where the donor or the donee resides for an order substituting another person for the attorney named in the power of attorney and the court may make the order or such other order as the court considers proper.

Substitution
of attorney

(2) The substitution of another person for an attorney under subsection 1 shall have the like effect as the substitution of another person for a trustee under *The Trustee Act*.

Effect of
substitution
R.S.O. 1970,
c. 470

(3) The Public Trustee may apply under subsection 1 in the same manner as a person interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate.

Application by
Public Trustee

(4) The attorney may apply under subsection 1 in the same manner as a person interested in the estate of the donor, on giving notice to the Public Trustee and to all persons having an interest in the estate of the donor.

Application
by attorney

11.—(1) *The Powers of Attorney Act*, being chapter 357 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 375,
repealed

(2) Notwithstanding subsection 1, *The Powers of Attorney Act* continues to apply in respect of powers of attorney executed before this Act comes into force.

Exception

12. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

13. This Act may be cited as *The Powers of Attorney Act*, 1979.

Short title

Form 1

Form of Power of Attorney

THIS GENERAL POWER OF ATTORNEY is given on19...
(Date)

by of
(Donor)

I appoint of (or
(Attorney)

..... of and of
(Attorney) (Attorney)

..... jointly *or* jointly and severally) to be my attorney(s) in
accordance with *The Powers of Attorney Act, 1979* and to do on my behalf anything
that I can lawfully do by an attorney.

(The following paragraph may be included if the donor wishes the authority
granted by this power of attorney to continue notwithstanding any subsequent
mental infirmity on his part:)

In accordance with *The Powers of Attorney Act, 1979*, I declare
that this power of attorney may be exercised during any sub-
sequent legal incapacity on my part.

This power of attorney is subject to the following conditions and restrictions:

(N.B. this space may be left blank.)

WITNESSED BY:

.....
(Signature of Witness)

.....
(Name of Witness)

.....
(Address)

}
}
}

.....
(Donor)

The Powers of Attorney Act, 1979

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. R. MCMURTRY
Attorney General

A20N
XB
- 886

Government
Publication

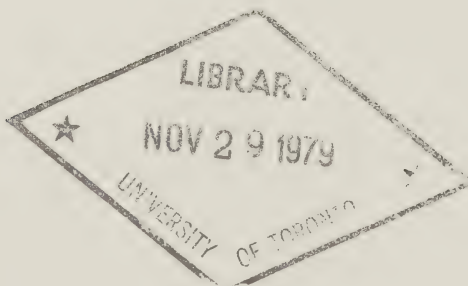
BILL 180

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Unified Family Court Act, 1976

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The present section provides for the automatic repeal of the Act on the 1st day of July, 1980.

BILL 180

1979

**An Act to amend
The Unified Family Court Act, 1976**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Section 24 of *The Unified Family Court Act, 1976*, being chapter 85, s. 24.
as re-enacted by the Statutes of Ontario, 1977, chapter 4, section 5, re-enacted
is repealed and the following substituted therefor:

24. This Act is repealed on a day to be named by proclamation Repeal
of the Lieutenant Governor.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Unified Family Court Amendment* Short title
Act, 1979.

BILL 180

An Act to amend
The Unified Family Court Act, 1976

1st Reading

November 15th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

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BILL 180

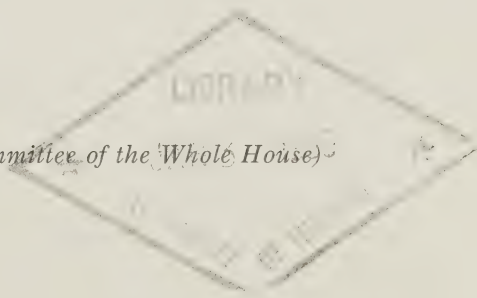
C
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Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Unified Family Court Act, 1976

THE HON. R. MCMURTRY
Attorney General

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The present section provides for the automatic repeal of the Act on the 1st day of July, 1980.



BILL 180

1979

**An Act to amend
The Unified Family Court Act, 1976**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24 of *The Unified Family Court Act, 1976*, being chapter 85, ^{s. 24,} as re-enacted by the Statutes of Ontario, 1977, chapter 4, section 5, ^{re-enacted} is repealed and the following substituted therefor:

 24. This Act is repealed on the 1st day of July, 1982.  Repeal
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Unified Family Court Amendment Act, 1979*. Short title

BILL 180

An Act to amend
The Unified Family Court Act, 1976

1st Reading

November 15th, 1979

2nd Reading

December 11th, 1979

3rd Reading

THE HON. R. MCMURTRY
Attorney General

*(Reprinted as amended by the
Committee of the Whole House)*

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3
BILL 180

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P...

3RD SESSION, 31ST LEGISLATURE, ¹ONTARIO
28 ELIZABETH II, 1979

Presented in Assembly

An Act to amend The Unified Family Court Act, 1976

THE HON. R. McMURTRY
Attorney General



BILL 180

1979

**An Act to amend
The Unified Family Court Act, 1976**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24 of *The Unified Family Court Act, 1976*, being chapter 85, ^{s. 24, re-enacted} as re-enacted by the Statutes of Ontario, 1977, chapter 4, section 5, is repealed and the following substituted therefor:

24. This Act is repealed on the 1st day of July, 1982. Repeal

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Unified Family Court Amendment Act, 1979*. Short title

An Act to amend
The Unified Family Court Act, 1976

1st Reading

November 15th, 1979

2nd Reading

December 3rd, 1979

3rd Reading

December 18th, 1979

THE HON. R. McMURTRY
Attorney General

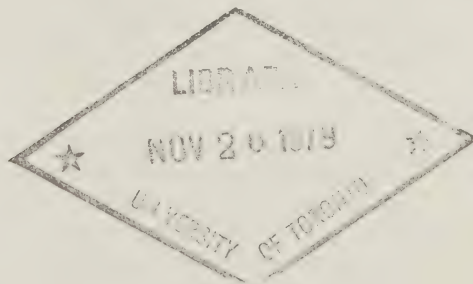
BILL 181

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide for the Consolidation
and Revision of the Statutes

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Revisions of the Statutes of Ontario have been produced in 1877, 1887, 1897, 1914, 1927, 1937, 1950, 1960 and 1970.

The Bill would provide the statutory basis for a revision in 1980.

The procedure for the preparation and authentication of the text is the same as provided for previous revisions.

Innovations include:

1. The ability of the Commissioners to reintroduce into the revision any statute omitted from the revision in former years but still in force.
2. The collection of a list of all Acts omitted from this or a former revision but still in effect.

BILL 181

1979

An Act to provide for the Consolidation and Revision of the Statutes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Arthur Norman Stone, one of Her Majesty's Counsel, Commissioners. appointment
Senior Legislative Counsel, and Jack Allen Fader, Legislative Counsel, and such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Attorney General to consolidate and revise the public general statutes of Ontario in accordance with this Act.

(2) The commissioners and such persons as may assist them Remuneration
shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix.

2. The commissioners shall examine the public general statutes of Ontario enacted before the 1st day of January, 1981 and shall arrange, consolidate and revise such statutes in accordance with this Act. Duties

3. In the performance of their duties under this Act, the commissioners may omit any enactment that is not of general application or that is obsolete, may alter the numbering and arrangement of any enactment, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent enactments or to correct clerical, grammatical or typographical errors. Powers

4. Where, in an Act that is passed after the 31st day of December, 1980, and before the Revised Statutes of Ontario, 1980 come into force, a reference is made to an Act or provision that is to be included in the Revised Statutes of Ontario, 1980, the Supplementary revision of statutes passed between Jan. 1, 1980 and time when R.S.O. 1980 is proclaimed

reference shall be deemed to be a reference to the corresponding Act or provision in the Revised Statutes of Ontario, 1980 and the commissioners shall, accordingly, cause appropriate changes to be made in the publication of Acts passed during that period.

Printed
roll

5. As soon as the commissioners report the completion of the consolidation and revision authorized by this Act, the Lieutenant Governor may cause a printed roll thereof, signed by the Lieutenant Governor and countersigned by the Attorney General, to be deposited in the office of the Clerk of the Assembly.

Appendices

6. There shall be appended to the roll,

- (a) an appendix marked "Appendix A", similar in form to Appendix A appended to the Revised Statutes of Ontario, 1970, containing certain Imperial Acts and parts of Acts relating to property and civil rights that were consolidated in the Revised Statutes of Ontario, 1897, Volume III, pursuant to chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1980 and are in force in Ontario subject thereto; and
- (b) an appendix marked "Appendix B", similar in form to Appendix B appended to the Revised Statutes of Ontario, 1970, containing certain Imperial statutes and statutes of Canada relating to the constitution and boundaries of Ontario.

Schedules

7.—(1) There shall be appended to the roll,

- (a) a schedule marked "Schedule A", similar in form to Schedule A appended to the Revised Statutes of Ontario, 1970, showing the Acts contained in the Revised Statutes of Ontario, 1970 and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1980 take effect and the extent of such repeal;
- (b) a schedule marked "Schedule B", similar in form to Schedule B appended to the Revised Statutes of Ontario, 1970, showing the Acts and parts of Acts that are repealed, superseded and consolidated in the Revised Statutes of Ontario, 1980 and showing also the portions of the Revised Statutes of Ontario, 1970 and Acts passed thereafter that are not consolidated; and
- (c) a schedule marked "Schedule C" containing references to all the provisions passed by the Ontario Legislature

after the 1st day of July, 1867 that are unconsolidated and still have effect.

(2) The inclusion or omission of an Act or a part thereof in a schedule shall not be construed as a declaration that the Act or part was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1980.

Effect of inclusion or omission of an Act in schedules

8.—(1) After the deposit of the roll under section 5, the Lieutenant Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation “Revised Statutes of Ontario, 1980”.

Proclamation

(2) On and after the day so proclaimed, the roll shall be in force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and after that day, and on and after that day all the enactments in the several Acts and parts of Acts in Schedule A thereto shall be repealed to the extent mentioned in the third column of the schedule.

Effect of proclamation

9. Any reference in an unrepealed and unconsolidated Act or in an instrument or document to an Act or enactment repealed and consolidated shall, after the Revised Statutes of Ontario, 1980 come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the Act or enactment in the Revised Statutes of Ontario, 1980 having the same effect as such repealed and consolidated Act or enactment.

References to repealed Acts in former Acts

10. The publication of the Revised Statutes of Ontario, 1980 by the Queen’s Printer shall be received as evidence of the Revised Statutes of Ontario, 1980 in all courts and places whatsoever.

Publication by Queen’s Printer to be evidence

11. The Revised Statutes of Ontario, 1980 shall be distributed as the Lieutenant Governor in Council directs and the Lieutenant Governor in Council may fix the price at which copies may be sold by the Queen’s Printer.

Distribution of copies

12. This Act shall be printed with the Revised Statutes of Ontario, 1980 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1980.

This Act to be printed with R.S.O. 1980

13. A chapter of the Revised Statutes of Ontario, 1980 may be cited and referred to in any Act, proceeding, instrument or document whatever either by the title with which the chapter is headed or by using the expression “Revised Statutes of Ontario, 1980, chapter ”, or the abbreviation “R.S.O. 1980, c. ”, adding in each case the number of the particular chapter.

How Acts may be cited

14. The short title of this Act is *The Statutes Revision Act*, 1979.

Short title

An Act to provide for the
Consolidation and Revision
of the Statutes

1st Reading

November 15th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

BILL 181

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide for the Consolidation
and Revision of the Statutes

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 181

1979

An Act to provide for the Consolidation and Revision of the Statutes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Arthur Norman Stone, one of Her Majesty's Counsel, Commissioners. Senior Legislative Counsel, and Jack Allen Fader, appoint- Legislative Counsel, and such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Attorney General to consolidate and revise the public general statutes of Ontario in accordance with this Act. ment

(2) The commissioners and such persons as may assist them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix. Remuneration

2. The commissioners shall examine the public general statutes of Ontario enacted before the 1st day of January, 1981 and shall arrange, consolidate and revise such statutes in accordance with this Act. Duties

3. In the performance of their duties under this Act, the commissioners may omit any enactment that is not of general application or that is obsolete, may alter the numbering and arrangement of any enactment, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent enactments or to correct clerical, grammatical or typographical errors. Powers

4. Where, in an Act that is passed after the 31st day of December, 1980, and before the Revised Statutes of Ontario, 1980 come into force, a reference is made to an Act or provision that is to be included in the Revised Statutes of Ontario, 1980, the Supplementary revision of statutes passed between Jan. 1, 1980 and time when R.S.O. 1980 is proclaimed

reference shall be deemed to be a reference to the corresponding Act or provision in the Revised Statutes of Ontario, 1980 and the commissioners shall, accordingly, cause appropriate changes to be made in the publication of Acts passed during that period.

Printed
roll

5. As soon as the commissioners report the completion of the consolidation and revision authorized by this Act, the Lieutenant Governor may cause a printed roll thereof, signed by the Lieutenant Governor and countersigned by the Attorney General, to be deposited in the office of the Clerk of the Assembly.

Appendices

6. There shall be appended to the roll,

- (a) an appendix marked "Appendix A", similar in form to Appendix A appended to the Revised Statutes of Ontario, 1970, containing certain Imperial Acts and parts of Acts relating to property and civil rights that were consolidated in the Revised Statutes of Ontario, 1897, Volume III, pursuant to chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1980 and are in force in Ontario subject thereto; and
- (b) an appendix marked "Appendix B", similar in form to Appendix B appended to the Revised Statutes of Ontario, 1970, containing certain Imperial statutes and statutes of Canada relating to the constitution and boundaries of Ontario.

Schedules

7.—(1) There shall be appended to the roll,

- (a) a schedule marked "Schedule A", similar in form to Schedule A appended to the Revised Statutes of Ontario, 1970, showing the Acts contained in the Revised Statutes of Ontario, 1970 and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1980 take effect and the extent of such repeal;
- (b) a schedule marked "Schedule B", similar in form to Schedule B appended to the Revised Statutes of Ontario, 1970, showing the Acts and parts of Acts that are repealed, superseded and consolidated in the Revised Statutes of Ontario, 1980 and showing also the portions of the Revised Statutes of Ontario, 1970 and Acts passed thereafter that are not consolidated; and
- (c) a schedule marked "Schedule C" containing references to all the provisions passed by the Ontario Legislature

after the 1st day of July, 1867 that are unconsolidated and still have effect.

(2) The inclusion or omission of an Act or a part thereof in a schedule shall not be construed as a declaration that the Act or part was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1980.

Effect of inclusion or omission of an Act in schedules

8.—(1) After the deposit of the roll under section 5, the Lieutenant Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation “Revised Statutes of Ontario, 1980”.

Proclamation

(2) On and after the day so proclaimed, the roll shall be in force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and after that day, and on and after that day all the enactments in the several Acts and parts of Acts in Schedule A thereto shall be repealed to the extent mentioned in the third column of the schedule.

Effect of proclamation

9. Any reference in an unrepealed and unconsolidated Act or in an instrument or document to an Act or enactment repealed and consolidated shall, after the Revised Statutes of Ontario, 1980 come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the Act or enactment in the Revised Statutes of Ontario, 1980 having the same effect as such repealed and consolidated Act or enactment.

References to repealed Acts in former Acts

10. The publication of the Revised Statutes of Ontario, 1980 by the Queen’s Printer shall be received as evidence of the Revised Statutes of Ontario, 1980 in all courts and places whatsoever.

Publication by Queen’s Printer to be evidence

11. The Revised Statutes of Ontario, 1980 shall be distributed as the Lieutenant Governor in Council directs and the Lieutenant Governor in Council may fix the price at which copies may be sold by the Queen’s Printer.

Distribution of copies

12. This Act shall be printed with the Revised Statutes of Ontario, 1980 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1980.

This Act to be printed with R.S.O. 1980

13. A chapter of the Revised Statutes of Ontario, 1980 may be cited and referred to in any Act, proceeding, instrument or document whatever either by the title with which the chapter is headed or by using the expression “Revised Statutes of Ontario, 1980, chapter ”, or the abbreviation “R.S.O. 1980, c. ”, adding in each case the number of the particular chapter.

How Acts may be cited

14. The short title of this Act is *The Statutes Revision Act*, 1979.

Short title

BILL 181

An Act to provide for the
Consolidation and Revision
of the Statutes

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. R. MCMURTRY
Attorney General

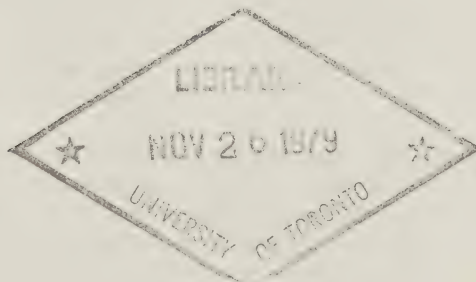
BILL 182

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide for the Consolidation
and Revision of the Regulations

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Since *The Regulations Act* was first enacted in 1944, there have been published consolidations and revisions in 1950, 1960 and 1970.

The Bill would provide the statutory basis for a consolidation and revision at the end of 1980, to coincide with the Revised Statutes, 1980.

The procedure for the preparation and authentication of the text is the same as for previous revisions.

The Commissioners are authorized to omit regulations that are not of general application. Examples might be Ministerial orders under *The Planning Act* and other similar matters referred to by the Standing Statutory Instruments Committee in its second report in November 1979 at pages 13 to 15. All regulations so omitted would be listed in a Schedule to the Revision and would remain in force until they are revoked or otherwise expire.

BILL 182

1979

An Act to provide for the Consolidation and Revision of the Regulations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Arthur Norman Stone, one of Her Majesty's Counsel, Commissioners, appointment and William Russell Anderson, one of Her Majesty's Counsel, Senior Legislative Counsel and Registrar of Regulations respectively, and such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Attorney General to consolidate and revise in accordance with this Act the regulations filed under *The Regulations Act*. R.S.O. 1970, c. 410

(2) The commissioners and such persons as may assist them Remuneration shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix.

2. The commissioners shall examine the Revised Regulations Duties of Ontario, 1970, and the regulations filed under *The Regulations Act* on and after the 1st day of January, 1971, and before the 1st day of January, 1981, and shall arrange, consolidate and revise such regulations in accordance with this Act.

3.—(1) In the performance of their duties under this Act, the Powers commissioners may omit any regulation that is obsolete, may alter the numbering and arrangement of any regulation, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority that made the regulation or to reconcile seemingly inconsistent provisions or to correct clerical, grammatical or typographical errors.

(2) In the performance of their duties under this Act, the Idem commissioners may omit any regulation that, in their opinion, is not of general application but should remain in force.

Schedule

(3) There shall be appended to the roll a Schedule showing the regulations omitted under subsection 2 and, notwithstanding subsection 2 of section 6, a regulation shown in the Schedule remains in force until it is revoked or otherwise expires.

Regulations
filed after
Dec. 31st,
1980 and
before day
R.R.O. 1980
in force
to be
revised and
published

4.—(1) Where a regulation is filed under *The Regulations Act* after the 31st day of December, 1980 and before the Revised Regulations of Ontario, 1980 come into force and amends, remakes or refers to a regulation that is included in the Revised Regulations of Ontario, 1980,

(a) the regulation as it appears in the Revised Regulations of Ontario, 1980 shall be deemed to be amended, remade or referred to correspondingly; and

(b) the commissioners shall,

(i) cause the appropriate changes to be made in such regulations filed during such period, and

(ii) forthwith after the day upon which the Revised Regulations of Ontario, 1980 come into force, cause such regulations as so revised together with all other regulations that are filed during such period to be published in *The Ontario Gazette*.

Effect of
publication

R.S.O. 1970.
c. 410

(2) Upon the publication of the regulations mentioned in sub-clause ii of clause b of subsection 1, such regulations shall be deemed to be filed under *The Regulations Act* on the day the Revised Regulations of Ontario, 1980 come into force, and the regulations filed after the 31st day of December, 1980 and before the Revised Regulations of Ontario, 1980 come into force are revoked on the day the Revised Regulations of Ontario, 1980 come into force.

Printed
roll to be
deposited
with
Clerk of
Assembly

5. As soon as the commissioners report the completion of the consolidation and revision, the Lieutenant Governor may cause a printed roll thereof, signed by the Lieutenant Governor and countersigned by the Attorney General, to be deposited in the office of the Clerk of the Assembly.

Proclama-
tion

6.—(1) After the deposit of the roll under section 5, the Lieutenant Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation "Revised Regulations of Ontario, 1980".

Idem

(2) Subject to subsection 3 of section 3, on and after the day so proclaimed,

(a) all regulations contained in the Revised Regulations of Ontario, 1970; and

(b) all regulations filed under *The Regulations Act* on and after the 1st day of January, 1971, and before the 1st day of January, 1981,

R.S.O. 1970,
c. 410

are revoked.

7. The publication of the Revised Regulations of Ontario, 1980 by the Queen's Printer shall be received as evidence of the regulations as consolidated and revised under this Act in all courts and places whatsoever.

Publication
by Queen's
Printer to
be evidence

8. The Revised Regulations of Ontario, 1980 shall be distributed as the Lieutenant Governor in Council directs and the Lieutenant Governor in Council may fix the price at which copies may be sold by the Queen's Printer.

Distrib-
ution
of copies

9. This Act shall be printed with the Revised Regulations of Ontario, 1980 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1980.

This Act
to be
printed
with
R.R.O. 1980

10. Regulations in the Revised Regulations of Ontario, 1980 may be cited and referred to as "Revised Regulations of Ontario, 1980, Regulation ", or the abbreviation "R.R.O. 1980, Reg. ", adding in each case the number of the particular regulation.

How regula-
tions may
be cited

11. The short title of this Act is *The Regulations Revision Act*, 1979.

Short title

An Act to provide for the Consolidation
and Revision of the Regulations

1st Reading

November 15th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

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3
F BILL 182

3RD SESSION, 31ST LEGISLATURE, ^LONTARIO
28 ELIZABETH II, 1979 *Legislative Assembly*

An Act to provide for the Consolidation
and Revision of the Regulations

THE HON. R. MCMURTRY
Attorney General



BILL 182

1979

An Act to provide for the Consolidation and Revision of the Regulations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Arthur Norman Stone, one of Her Majesty's Counsel, and William Russell Anderson, one of Her Majesty's Counsel, Senior Legislative Counsel and Registrar of Regulations respectively, and such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Attorney General to consolidate and revise in accordance with this Act the regulations filed under *The Regulations Act*. Commissioners,
appoint-
ment
R.S.O. 1970,
c. 410

(2) The commissioners and such persons as may assist them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix. Remunera-
tion

2. The commissioners shall examine the Revised Regulations of Ontario, 1970, and the regulations filed under *The Regulations Act* on and after the 1st day of January, 1971, and before the 1st day of January, 1981, and shall arrange, consolidate and revise such regulations in accordance with this Act. Duties

3.—(1) In the performance of their duties under this Act, the commissioners may omit any regulation that is obsolete, may alter the numbering and arrangement of any regulation, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority that made the regulation or to reconcile seemingly inconsistent provisions or to correct clerical, grammatical or typographical errors. Powers

(2) In the performance of their duties under this Act, the commissioners may omit any regulation that, in their opinion, is not of general application but should remain in force. Idem

Schedule

(3) There shall be appended to the roll a Schedule showing the regulations omitted under subsection 2 and, notwithstanding subsection 2 of section 6, a regulation shown in the Schedule remains in force until it is revoked or otherwise expires.

Regulations
filed after
Dec. 31st.
1980 and
before day
R.R.O. 1980
in force
to be
revised and
published

4.—(1) Where a regulation is filed under *The Regulations Act* after the 31st day of December, 1980 and before the Revised Regulations of Ontario, 1980 come into force and amends, remakes or refers to a regulation that is included in the Revised Regulations of Ontario, 1980,

(a) the regulation as it appears in the Revised Regulations of Ontario, 1980 shall be deemed to be amended, remade or referred to correspondingly; and

(b) the commissioners shall,

(i) cause the appropriate changes to be made in such regulations filed during such period, and

(ii) forthwith after the day upon which the Revised Regulations of Ontario, 1980 come into force, cause such regulations as so revised together with all other regulations that are filed during such period to be published in *The Ontario Gazette*.

Enact or
publication

R.S.O. 1970
c. 410

(2) Upon the publication of the regulations mentioned in subclause ii of clause b of subsection 1, such regulations shall be deemed to be filed under *The Regulations Act* on the day the Revised Regulations of Ontario, 1980 come into force, and the regulations filed after the 31st day of December, 1980 and before the Revised Regulations of Ontario, 1980 come into force are revoked on the day the Revised Regulations of Ontario, 1980 come into force.

Printed
roll to be
deposited
with
Clerk of
Assembly

5. As soon as the commissioners report the completion of the consolidation and revision, the Lieutenant Governor may cause a printed roll thereof, signed by the Lieutenant Governor and countersigned by the Attorney General, to be deposited in the office of the Clerk of the Assembly.

Proclama-
tion

6.—(1) After the deposit of the roll under section 5, the Lieutenant Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation "Revised Regulations of Ontario, 1980".

idem

(2) Subject to subsection 3 of section 3, on and after the day so proclaimed,

(a) all regulations contained in the Revised Regulations of Ontario, 1970; and

(b) all regulations filed under *The Regulations Act* on and after the 1st day of January, 1971, and before the 1st day of January, 1981,

R.S.O. 1970.
c. 410

are revoked.

7. The publication of the Revised Regulations of Ontario, 1980 by the Queen's Printer shall be received as evidence of the regulations as consolidated and revised under this Act in all courts and places whatsoever.

Publication
by Queen's
Printer to
be evidence

8. The Revised Regulations of Ontario, 1980 shall be distributed as the Lieutenant Governor in Council directs and the Lieutenant Governor in Council may fix the price at which copies may be sold by the Queen's Printer.

Distribution
by Queen's
Printer to
be evidence

9. This Act shall be printed with the Revised Regulations of Ontario, 1980 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1980.

This Act
to be
printed
with
R.R.O. 1980

10. Regulations in the Revised Regulations of Ontario, 1980 may be cited and referred to as "Revised Regulations of Ontario, 1980, Regulation ", or the abbreviation "R.R.O. 1980, Reg. ", adding in each case the number of the particular regulation.

How regulations
may be cited

11. The short title of this Act is *The Regulations Revision Act*, 1979.

Short title

An Act to provide for the Consolidation
and Revision of the Regulations

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. R. MCMURTRY
Attorney General

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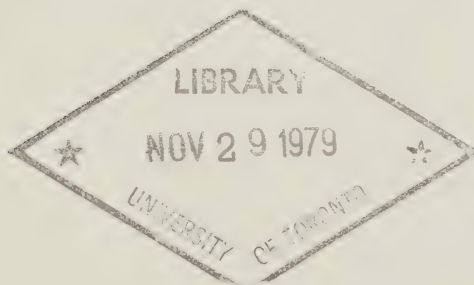
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BILL 183

Government
Publication
Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ¹ONTARIO
28 ELIZABETH II, 1979 *Legislative Assembly*

An Act to amend The Assessment Act

MR. LELUK



EXPLANATORY NOTE

The Bill provides an exemption from municipal taxation for additions and improvements to residential property that are designed to aid persons who are physically disabled.

BILL 183

1979

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 26, section 1 and 1974, chapter 41, section 2, is further amended by adding thereto the following paragraph:
 21. All equipment, devices, installations and structures, located in or on lands and buildings used for residential purposes, that are designed for use by persons who are physically disabled and are affixed, installed or built for the purpose of enhancing the use and enjoyment of the land and buildings by such persons.
2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Assessment Amendment Act*.

s. 3,
amendedEquipment,
etc., for
physically
disabledCommence-
mentShort title
1979.

BILL 183

An Act to amend
The Assessment Act

1st Reading

November 15th, 1979

2nd Reading

3rd Reading

MR. LELUK

(Private Member's Bill)

B
B56

3
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Private
Member's Bill

BILL 184

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Legislative Assembly

An Act respecting the Ontario Drug Benefit Plan

MR. BREAGH



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of this Bill is to limit the number of dispensing fees that may be charged under the Ontario Drug Benefit Plan. Where an individual requests a dispensary to fill the same prescription over a period of time, the dispensary is limited to charging one dispensing fee in each six month period to that individual.

BILL 184

1979

An Act respecting the Ontario Drug Benefit Plan

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any Act or regulation establishing and regulating the Ontario Drug Benefit Plan, a dispensary shall not charge a dispensing fee for filling the prescription of a person who is eligible for a drug benefit under section 23a or section 23b of Regulation 287 of Revised Regulations of Ontario, 1970, unless,

- (a) the dispensary has not previously filled the prescription for the person; or
- (b) the dispensary has previously filled the prescription for the person, but has not charged a dispensing fee for filling the prescription for that person in the previous six month period.

2. This Act comes into force on the day it receives Royal Assent.

3. The short title of this Act is *The Ontario Drug Dispensing Fee Act, 1979*.

BILL 184

An Act respecting
the Ontario Drug Benefit Plan

1st Reading

November 16th, 1979

2nd Reading

3rd Reading

MR. BREAUGH

(Private Member's Bill)

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Ontario
Publications

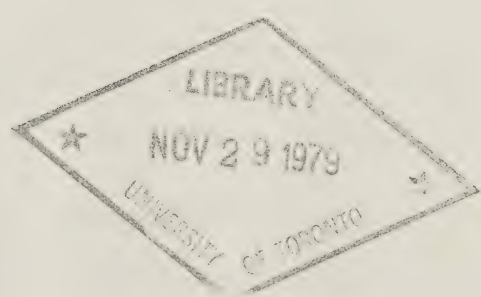
BILL 185

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act respecting
Environmental Rights in Ontario**

MR. SMITH
(Hamilton West)



EXPLANATORY NOTE

The purpose of the Bill is to provide for environmental rights in Ontario. The Bill permits an action to be brought in the Supreme Court of Ontario by any person for the protection of the environment. The Bill also provides for public notice and review of certain approvals, permits or other environment related orders before the approvals, permits or orders come into force. Other provisions of the Bill provide for public access to information relating to environmental decisions and for regular review by the Environmental Assessment Board of all regulations affecting the environment.

BILL 185

1979

An Act respecting Environmental Rights in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION AND PURPOSE

1. In this Act,

interpre-
tation

- (a) “Board” means the Environmental Assessment Board established under *The Environmental Assessment Act*, 1975, c. 60, 1975;
- (b) “contaminant” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of man which may,
 - (i) impair the quality of the environment or the public trust therein for any use that can be made of it,
 - (ii) cause injury or damage to property or to plant or animal life,
 - (iii) cause harm or material discomfort to any person,
 - (iv) adversely affect the health or impair the safety of any person, or
 - (v) render any property or plant or animal life unfit for use by man,

and “contamination” has a corresponding meaning;

- (c) “Court” means the Supreme Court of Ontario;

(d) “degradation” refers to any destruction or significant decrease in the quality of the environment or the public trust therein other than a change resulting from contamination and “degrade” has a corresponding meaning;

(e) “environment” means,

- (i) air, land or water,
- (ii) plant and animal life, including man,
- (iii) the social, economic and cultural conditions that influence the life of man or a community,
- (iv) any building, structure, machine or other device or thing made by man,
- (v) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from the activities of man, or
- (vi) any part or combination of the foregoing and the inter-relationships between any two or more of them,

in or of Ontario;

(f) “Minister” means the Minister of the Environment;

(g) “public trust” means the collective interest of residents of the Province of Ontario in the quality of the environment and the protection thereof and the heritage therein for future generations;

(h) “regulation” means a regulation made under an Act listed in the Schedule to this Act.

Environmental
rights

2.—(1) The people of Ontario have a right to clean air, pure water and the preservation of the natural, scenic, historic and aesthetic values of the environment.

Idem

(2) Ontario’s public lands, waters and natural resources are the common property of all the people, including generations yet to come, and, as trustee of those lands, waters and resources, the Government of Ontario shall conserve and maintain them for the benefit of present and future generations.

Declaration

(3) It is hereby declared that it is in the public interest to provide every person with an adequate remedy to protect and conserve the environment and the public trust therein from contamination and degradation.

PART II

CAUSE OF ACTION

3.—(1) Where an activity has contaminated or degraded or an activity is likely to commence, is commencing or is continuing which threatens to contaminate or degrade the environment, any person may commence an action in the Supreme Court of Ontario, without having to show any greater or different right, harm or interest than that of other members of the public or any pecuniary or proprietary right or interest in the subject-matter of the proceedings, against,

Right of
action

- (a) any person who is responsible for the activity; and
- (b) any Minister responsible for regulatory, fiscal or proprietary control of the activity.

(2) Subsection 1 applies without any requirement that the person commencing the action allege or establish that there has been an infringement of an approval, permit, licence, standard, regulation, rule or order established by or under an Act listed in the Schedule.

idem

(3) In an action commenced under this section, if the activity complained of is not governed by any legally established standard, the Court may hear evidence as to the standard, if any, that should apply to the defendant, having regard to,

Court
may
determine
standard

- (a) the right of the people of Ontario to the protection of the environment and the public trust therein against contamination or degradation;
- (b) the fulfillment of the widest range of beneficial uses of the environment without contamination or degradation; and
- (c) the achievement of a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities,

and the Court may order the defendant to comply with such standard as it may determine.

4.—(1) At any time prior to a trial of the issue in any action commenced under this Act, any defendant or third party may apply to the Court for an order requiring the person bringing the action to post security for costs or damages.

Security
for costs
or damage

Notice

(2) An application under subsection 1 shall be on notice to all parties and the Court may hear argument concerning the application from any party as to,

- (a) the seriousness of the offence or harm alleged;
- (b) the consequences to the defendant of the order sought; or
- (c) any other matter that the Court considers relevant to the posting of security for costs or damages.

Limitation
on order

(3) Upon the completion of the hearing referred to in subsection 2, if the Court is satisfied that the person bringing the action,

- (a) has a *prima facie* case to bring before the Court; and
- (b) is bringing the action for the protection of the environment or the public trust therein,

the Court shall not order the posting of security for costs or damages in an amount in excess of \$500.

Onus

5.—(1) Where the activity of the defendant that is the subject-matter of an action is not governed by a standard established by or under an Act listed in the Schedule or pursuant to subsection 3 of section 3 and where the plaintiff has established that the activity of the defendant is likely to contaminate or degrade the quality of the environment, the onus shall be on the defendant to establish in defence that there is no feasible and prudent alternative to the defendant's activity and that such activity is in the best interests of the public having regard to the matters set out in subsection 3 of section 3.

Defence

(2) It shall be a defence to an action commenced under this Act that the activity of the defendant that is the subject-matter of this action is authorized by a standard established by or under an Act listed in the Schedule unless the plaintiff can establish, on a balance of probabilities, that the activity has caused or is likely to cause severe or irreparable contamination or degradation to the environment.

Prohibited
defences

(3) It shall not be a defence to an action commenced under this Act that,

- (a) the defendant is not the sole cause of the alleged or potential contamination or degradation; or
- (b) it cannot be established that the contaminant which the defendant discharged or deposited or permitted to be discharged or deposited was the cause, in fact, of the

contamination or degradation of the environment or the public trust therein, where the effect on the environment is of a nature consistent with that contaminant or source of degradation being the total or partial, immediate or mediate cause.

6. In an action commenced under this Act, where it has been established that the activity of the defendant has contaminated or degraded or is likely to contaminate or degrade the environment, the Court may grant either an interim or permanent injunction, order the defendant to remedy any damage caused by his activity, award damages, impose conditions on the defendant or make such other order as the Court may consider is necessary to protect the interests of the plaintiff in the environment or the public trust therein. Injunction.
etc.

7.—(1) The Court may, Reference

(a) on the motion of any party; or

(b) on its own motion,

refer any question or questions, except the final determination of the issue in question, to the Board as the Court may consider appropriate and the proceedings before the Board shall be conducted in accordance with and subject to the provisions of *The Statutory Powers Procedure Act, 1971* and when so referring, the Court may also grant an interim injunction or such other temporary relief as the Court considers necessary for the protection of the environment or the public trust therein pending final determination of the issue and, in so referring, the Court shall retain jurisdiction of the action. 1971, c. 47

(2) When the Board has completed its review and consideration of the question referred to it under subsection 1, the Board shall make recommendations concerning the matter in question to the Court, and the Court shall review the recommendations and make such order as it considers appropriate under section 6. Order

8.—(1) In any action under this Act, the Court may appoint an inspector, who shall be a disinterested person and qualified as an expert in the relevant field, to take technical and scientific testimony under oath and make a record thereof and the inspector shall report his findings and his opinion thereon to the Court without prejudice to the right of any party to examine the inspector or any person who has given testimony to him. Inspector

(2) The Court may order that the costs of the inspector be paid in such manner and by such persons as the Court considers appropriate. Costs

PART III

PARTIES, INTERVENORS, *Amicus Curiae*

Parties,
etc.

9. Whenever a proceeding before any board, tribunal, commission or court, or any appeal or review thereof, is authorized under the provisions of this Act or an Act listed in the Schedule, the board, tribunal, commission or court may permit any person to join as a party, intervenor or *amicus curiae* to the proceeding, appeal or review as the board, tribunal, commission or court may consider appropriate having regard to the purpose of this Act.

PART IV

INSTRUMENTS AND REGULATIONS

Interpre-
tation

10.—(1) In this section,

- (a) “appropriate board” means any board, tribunal or commission established by an Act listed in the Schedule empowered to hold hearings with respect to a matter relating to such Act, and where no such board exists, the Board;
- (b) “instrument” means any licence, permit, approval, certificate of approval, program approval, control order or other order made under an Act listed in the Schedule that would permit a person to contaminate or degrade the environment in contravention of any such Act or the regulations made thereunder;
- (c) “proper authority” means any authority designated by an Act listed in the Schedule empowered to issue any instrument pursuant to any such Act.

Notice of
proposed
instrument

(2) Notwithstanding any other Act, no instrument shall have force and effect unless the proper authority has given notice of the proposed provisions of the instrument by publication in *The Ontario Gazette* and in two newspapers circulating throughout the Province of Ontario and that is in accordance with the other provisions of this section.

Submissions

(3) Any person may, within thirty days of the giving of notice or within such longer time as may be stated in the notice,

- (a) make written submissions to the proper authority with respect to the proposed provisions of the instrument; and

- (b) by written notice to the proper authority request a hearing by the appropriate board with respect to the proposed provisions of the instrument.

(4) Where the proper authority has received notice of a request ^{Idem} for a hearing, it shall refer the matter to the appropriate board unless, in the opinion of the authority, the request is not made in good faith or is frivolous or is made only for the purpose of delay.

(5) Where the proper authority has declined to refer the matter ^{Idem} to the appropriate board under subsection 4, the proper authority shall give notice thereof to any person who has submitted a notice of a request for a hearing under subsection 3, together with written reasons therefor.

(6) Where there is no notice of a request for a hearing under subsection 3, or where the proper authority has declined to refer the matter to the appropriate board under subsection 4, the proper authority may issue the proposed instrument, ^{Where instrument may be issued}

- (a) where there is no notice of a request for a hearing, not less than ten days after the time for filing such notice has elapsed;

- (b) where the proper authority has declined to refer the matter to the relevant board, not less than twenty days after the time for filing such notice has elapsed.

(7) Any person may make an application to the Board requesting the Board to review any existing instrument having regard to the adequacy of the instrument to protect the environment and the public trust therein from contamination or degradation, especially in the light of technological advances that can be applied in the Province of Ontario and the Board shall hear the application where a *prima facie* case has been made that the instrument should be amended or revoked. ^{Review of instrument}

(8) The Board shall hold a preliminary hearing to determine whether a *prima facie* case has been made in an application under subsection 7 unless the Board is of the opinion that the application is not made in good faith or is frivolous. ^{Preliminary hearing}

(9) Where the Board decides not to hold a preliminary hearing under subsection 8, or where the Board decides that a *prima facie* case has not been made under subsection 7, the Board shall give notice of its decision to the person making the application, together with written reasons therefor. ^{Notice}

(10) Where the appropriate board holds a hearing under subsection 4 or subsection 7, the appropriate board shall, ^{Notice of hearing}

- (a) appoint a time and place for the hearing at a city or town convenient to persons likely to be affected by the contamination or degradation;
- (b) cause notice to be given of the hearing,
 - (i) to the proper authority,
 - (ii) to any person who submitted notice to the proper authority under subsection 3,
 - (iii) to any person who submitted notice to the Board under subsection 7,
 - (iv) to any person as the appropriate board may direct, and
 - (v) to the public, by publication in *The Ontario Gazette* and in two newspapers circulating throughout the Province of Ontario.

Procedure

(11) Any hearing initiated under the provisions of this section shall be conducted according to the rules and procedures that apply to the appropriate board, including the rules and procedures established by this Act.

Recommendations, etc.

(12) Upon the completion of the hearing, the appropriate board may make such recommendations, order or decision in respect of the matter referred to it under this section as the board is empowered to make pursuant to its enabling Act.

Emergencies

(13) The proper authority may, in an emergency situation, issue an instrument that it is empowered to issue pursuant to an Act listed in the Schedule without complying with the other provisions of this section but, where the authority issues an instrument in an emergency situation, the authority shall take steps to comply with the provisions of this section within sixty days of the date on which the instrument was issued.

Review of regulations

11.—(1) In 1981 and every fifth year thereafter, the Board shall review all regulations that relate to the quality of the environment having regard to their adequacy to protect the environment and the public trust therein from contamination and degradation, especially in the light of technological advances that can be applied in the Province of Ontario.

Idem

(2) The Board shall give public notice of the review and, during the review, may receive public submissions and evidence to the extent and in the manner that it considers appropriate.

(3) Upon completion of the review, the Board shall make a ^{Report} report thereon to the designated Minister, including in the report any recommended changes to the regulations, and the designated Minister, after receiving the report shall then lay the report before the Assembly if it is in session or, if not, at the commencement of the next ensuing session.

PART V

ACCESS TO INFORMATION

12.—(1) In this section, “designated Minister” means any ^{Interpre-}minister designated by an Act listed in the Schedule to administer ^{tation} and enforce the provisions of any such Act.

(2) Every person has the right to obtain from any designated ^{Right to}Minister any available information concerning the quantity, ^{information} quality or concentration of contaminants emitted, issued, discharged or deposited by any source of contamination or degradation.

(3) The designated Minister shall permit any person who ^{Right to}applies therefor to examine any licence, permit, approval, certificate of approval, provisional certificate of approval, control order ^{examine} or other order, notice of intention to issue a control order, program approval, provisional certificate of approval, notice of violation of an Act listed in the Schedule, and any information in support of any such document, and, on payment of a fee not to exceed ten cents per page, the person shall be provided with a copy thereof.

(4) The designated Minister shall permit any person who ^{Idem}applies therefor to examine any report on any test, observation, inspection or analysis carried out by or under his authority relating to any operation subject to an Act listed in the Schedule under his jurisdiction, and, on payment of a fee not to exceed ten cents per page, the person shall be provided with a copy thereof.

(5) Notwithstanding subsections 3 and 4, the designated ^{Where}Minister may refuse an application made under subsections 3 and ^{disclosure}4 where, in his opinion, the information sought to be disclosed ^{may be}contains, ^{refused}

- (a) information the disclosure of which would be injurious to law enforcement or the conduct of lawful investigations, including investigative techniques or plans for specific lawful investigations;
- (b) information containing personal information respecting an identifiable individual including, without restricting the generality of the foregoing,

- (i) vital statistics,
 - (ii) background personal information,
 - (iii) medical, criminal, educational or employment records or history,
 - (iv) the personal opinions or views of the individual, unless those opinions or views are given in the course of employment in the public service of the Government of Ontario;
- (c) information of a financial, commercial, scientific or technical sort,
- (i) the disclosure of which could reasonably be expected to prejudice significantly the competitive position, or interfere significantly with contractual or other negotiations, of a person, group of persons, organization or government institution, or
 - (ii) the disclosure of which could reasonably be expected to result in undue financial loss or gain by a person, group of persons, organization or government institution,
- and which, without restricting the generality of the foregoing, includes confidential technology, trade secrets, marketing information, customer lists, advertising budgets and funding sources; or
- (d) records of proposals and recommendations to and deliberations and proceedings of the Executive Council or any committee thereof.

Notice

(6) Where the designated Minister, under subsection 5, refuses an application for disclosure of information, he shall, within twenty days, so inform the applicant, together with written reasons thereof, and he shall inform the applicant of his right of appeal to the Board.

Hearing

(7) Any applicant may, within fifteen days of receipt of a notice under subsection 6, by written notice served upon the designated Minister and the Board, require a hearing before the Board.

Idem

(8) In a hearing under subsection 7, the Board shall take every precaution, including, when appropriate, receiving representations *ex parte* and conducting hearings *in camera*, to avoid disclo-

sure by the Board or any other person of any information the disclosure of which may be refused under this section.

(9) In a hearing under subsection 7, the onus of establishing that access to the information may be refused shall be on the designated Minister concerned. Onus

(10) At the conclusion of the hearing, the Board may make such order as it considers appropriate, having regard to the provisions of this section, and without restricting the generality of the foregoing, may, Order

(a) order the disclosure of all or part of the information sought to be disclosed; or

(b) where the Board has determined that the information should not be disclosed, order that a non-confidential summary of all or any part of the information be prepared.

(11) An appeal lies to the Divisional Court of Ontario from a decision of the Board on a point of law or jurisdiction. Appeal

PART VI

MISCELLANEOUS

13. Nothing herein contained shall be construed so as to repeal, remove or reduce any existing remedy available at law to any person. Common Law remedies preserved

14. Where a conflict appears between any provision of this Act and a provision in any other Act, including *The Environmental Protection Act, 1971*, the provision of this Act shall prevail. Conflict 1971. c. 84

15. This Act binds the Crown. Crown

16. This Act comes into force on the day it receives Royal Assent. Commencement

17. The short title of this Act is *The Ontario Environmental Rights Act, 1979*. Short title

SCHEDULE

The Conservation Authorities Act

The Drainage Act, 1975

The Environmental Assessment Act, 1975

The Environmental Protection Act, 1971

The Mining Act

The Niagara Escarpment Planning and Development Act, 1973

The Ontario Water Resources Act

The Pesticides Act, 1973

The Pits and Quarries Control Act, 1971

The Planning Act

BILL 185

An Act respecting
Environmental Rights in Ontario

1st Reading

November 20th, 1979

2nd Reading

3rd Reading

MR. SMITH
(Hamilton West)

(Private Member's Bill)

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Publications

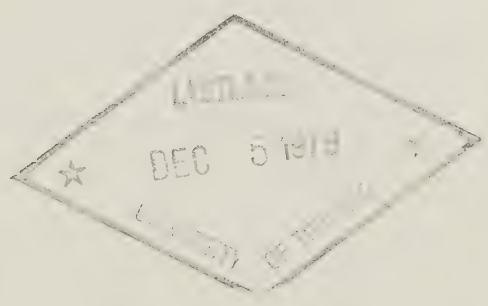
BILL 186

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Labour Relations Act

MR. VAN HORNE



EXPLANATORY NOTE

The purpose of the Bill is to prohibit the employment or use of strikebreakers in the course of a lawful strike or lock-out.

BILL 186

1979

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 66a.
enacted

66a. No employer, employers' organization or person acting on behalf of an employer or an employers' organization shall employ or use the services of any person to perform the work of an employee who is exercising a legal right to strike or who is locked out unless, Employment.
use of
strike-
breakers
prohibited

- (a) the person ordinarily exercises managerial or supervisory functions and was a full-time employee of the employer on the day the strike or lock-out commenced; or
- (b) the person is authorized to perform the work by agreement between the employer and representatives of the certified bargaining unit that is on strike or locked out.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Labour Relations Amendment Act*, Short title
1979.

BILL 186

An Act to amend
The Labour Relations Act

1st Reading

November 20th, 1979

2nd Reading

3rd Reading

MR. VAN HORNE

(Private Member's Bill)

956N
65
B56

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Education Act, 1974

MR. BOUNSALL



EXPLANATORY NOTE

The purpose of this Bill is to require school boards in Ontario to develop definitive orderly procedures and rational policies for determining in this period of declining enrolment, whether or not schools should be closed. All procedures and policies must be approved by the Ministry of Education, and a full moratorium on all school closings will be in effect until approval is received. The Bill contains requirement for full public hearings at all stages and the provision of all information by the board to affected citizens including financial and sociological effects and a complete survey of alternate choices of education likely to be made by parents in the event of a community school closure. Should a board decide to close a particular school, provision is made for an appeal to the Ontario Municipal Board which shall consider all matters that were before the school board and the public hearings.

BILL 187

1979

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Education Act, 1974* being chapter 109, as amended by 1975, Chapter 77; 1976 Chapter 50; 1978 Chapter 44 and 1978, Chapter 87, s. 15, is amended by adding thereto the following section: Section 169a
enacted

POLICIES AND PROCEDURES FOR SCHOOL CLOSURES

169a.—(1) In considering a school closure as a result of an enrolment or projected enrolment change, a board must establish and submit to the Ministry for approval definitive procedures and policies which must include: Procedures
and policies

- (a) a procedure and criteria for identifying when a school becomes a candidate for consideration for closure;
- (b) the establishment of a definite procedure by which the citizens of the affected community have full and immediate access to any information and an opportunity at public hearings to make their views known to the board prior to any discussions dealing with the matter of closure of a particular school;
- (c) a clear procedure for involving full discussions and public hearings with the citizens of the affected area, with complete and immediate provision of any and all information and assistance that they require in reaching their decision, including liaison and input from board and municipal planners, once a school has been identified as a candidate for closure;
- (d) a procedure for showing clearly how the closure of any school would affect the attendance area defined by that school, and any other area schools affected, including a

complete survey of alternate choices of education likely to be made by parents in the event of closure, and if applicable, how closure would affect busing with a view to always having alternate schools available within reasonable walking distance to avoid such busing;

- (e) a provision for a complete analysis and report on the financial effects upon the board and taxpayer households of:

- (i) not closing,
- (ii) altering school programs of,
- (iii) all proposed combinations of mixed uses of, and
- (iv) closing,

the school under consideration;

- (f) a procedure for analyzing the social effect upon the community of closing a community school, and a thorough procedure for identifying one or more alternate, or future alternate, uses for parts of the building in order to assist the school portion of the building to continue operating;
- (g) a minimum time period of not less than eight months between the identification of a school as a candidate for closure and the matter being brought to the board for decision with a procedure for the views and decisions of the affected citizens to be given paramount importance and prominence before the board;
- (h) a detailed plan for the alternate use of the school building or site should the consensus be that for educational, program and community reasons the school be closed.

Idem

(2) When the procedures and policies of the board outlined in subsection (1) are accepted by the Ministry, and following those procedures, including a final hearing in which all studies and facts are presented, it is determined that a particular school:

- (a) remain open, that school shall not be identified again as a candidate for closure before a minimum of 5 years has elapsed, except by the written request of a majority of the parents of the children attending that school; or
- (b) be closed, the decision for closure may be appealed to the Ontario Municipal Board.

(3) Where a decision to close a school has been appealed, the Ontario Municipal Board shall consider all those matters that were before the school board and the public hearings held under subsection (2), and the board shall make available all information that was the subject of all public hearings. ^{Idem}

(4) There shall be a moratorium on all school closings until a board has received approval by the Ministry for the procedures and policies outlined in subsection (1). ^{Moratorium}

- 2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
- 3.** The short title of this Act is *The Education Amendment Act, 1979*. ^{Short title}

BILL 187

An Act to amend
The Education Act, 1974

1st Reading

November 20th, 1979

2nd Reading

3rd Reading

MR. BOUNSALL

(Private Member's Bill)

CA20N
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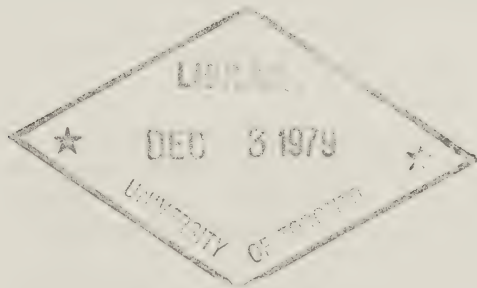
BILL 188

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979 46

An Act to provide for Rights of Handicapped Persons

THE HON. R. G. ELGIE
Minister of Labour



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill prohibits discrimination on the ground of a handicap in the provision of services, facilities, housing accommodation and employment.

The remedies are the same as those under *The Ontario Human Rights Code*.

BILL 188

1979

An Act to provide for Rights of Handicapped Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

FREEDOM FROM DISCRIMINATION

1. No person shall knowingly discriminate against a person ^{Services} on the ground of a handicap so as to deny or qualify the equal enjoyment by that person of services, goods and facilities.

2. No person shall knowingly discriminate against a person <sup>Housing accommo-
dation</sup> on the ground of a handicap so as to deny or qualify the equal enjoyment by that person of the right to occupy any housing accommodation.

3. No person shall knowingly discriminate against a person ^{Employment} on the ground of a handicap so as to deny or qualify the equal treatment of that person in employment or seeking employment.

4. Sections 1, 2 and 3 do not apply where a handicap exists ^{Exceptions to ss. 1-3} and is a reasonable and *bona fide* ground for denying or qualifying the equal enjoyment of services, goods, facilities or housing accommodation or equal treatment in employment or seeking employment.

5.—(1) The application of a term or condition of a benefit, ^{Exceptions re pension and insurance plans} pension or superannuation plan or fund or an insurance plan or policy that makes a *bona fide* distinction, exclusion or preference on the ground of a handicap is not a contravention of this Act.

(2) It is a contravention of this Act for employment to be ^{Condition of employment} conditional upon joining or participating in a benefit, insur-

ance, pension or superannuation plan or fund that excludes a person from joining or participating therein on the ground of a handicap.

Advertising

6. No person shall publish or display or cause to be published or displayed any notice, sign, symbol or matter that indicates discrimination or an intention to discriminate against any person or any class of persons on the ground of a handicap.

Reprisals

7. No person shall take any reprisal or threaten to take any reprisal against any person because he has claimed or enforced his rights under this Act or has complied with this Act or has participated in a proceeding under this Act.

PART II

ENFORCEMENT

Application of
R.S.O. 1970,
c. 318,
ss. 13-14d

8. Except where inconsistent with this Act, sections 13, 14, 14a, 14b, 14c and 14d of *The Ontario Human Rights Code* apply, with necessary modifications, to a complaint of a contravention of Part I.

Facilities
and
amenities for
handicapped

9. In addition to the powers of a board of inquiry under section 14c of *The Ontario Human Rights Code*, where the board finds that a complaint of a contravention of section 1, 2 or 3 of this Act is substantiated, the board may make a finding as to whether or not,

- (a) access to or use of premises, facilities or equipment of the party who is found to have contravened one of the said sections is obstructed for persons having the handicap of the complainant; or
- (b) the premises, facilities or equipment of the party who is found to have contravened one of the said sections lack amenities appropriate for persons having the handicap of the complainant,

and, when the board makes the finding, the board may, unless the costs occasioned thereby would cause undue hardship and subject to the regulations, order that the party take such measures as will remove the obstruction or provide the amenities, or any part of them, as are set out in the order.

Regulations

10. The Lieutenant Governor in Council may make regulations prescribing criteria or guidelines for boards of inquiry in the making of orders under section 9.

11.—(1) Every person who contravenes a provision of Part I or an order of a board of inquiry is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000. Penalty

(2) No prosecution for an offence under subsection 1 shall be instituted except with the consent of the Minister. Consent to prosecution

12. For the purposes of this Act, any act or thing done or omitted to be done by an officer, official, representative or agent of a corporation, trade union, trade or occupational association, unincorporated association or employers' organization shall be deemed to be an act or thing done or omitted to be done by the corporation, trade union, trade or occupational association, unincorporated association or employers' organization. Acts of unincorporated bodies and corporations

13.—(1) Where a person has been convicted of a contravention of this Act, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such contravention. Injunction proceedings

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. Enforcement

PART III

OFFICE FOR HANDICAPPED PERSONS

14.—(1) An Office for Handicapped Persons is established to exercise the powers and perform the duties prescribed in this Part and shall consist of such persons as are appointed by the Lieutenant Governor in Council. Office for Handicapped Persons

(2) The Lieutenant Governor in Council may fix the remuneration and allowances for expenses of the persons appointed to the Office. Remuneration

(3) The employees of the Office shall be appointed under *The Public Service Act*. Staff
R.S.O. 1970.
c. 386

15. It is the function of the Office to, Function

- (a) obtain information respecting programs, services, facilities, goods, housing accommodation and employment for handicapped persons and establish and maintain inventories thereof for the information and advice of handicapped persons;

- (b) inform the public with respect to programs and opportunities for handicapped persons and the capabilities of handicapped persons;
- (c) co-ordinate policies and programs and the provision of grants relating to handicapped persons and organizations assisting handicapped persons and make recommendations relating thereto;
- (d) exercise such other functions as may be assigned to the Office from time to time by the Lieutenant Governor in Council.

PART IV

GENERAL

Minister
responsible

16.—(1) The Minister of Labour, or such other member of the Executive Council as the Lieutenant Governor in Council may assign, is responsible for the administration of this Act, except Part III.

Ontario
Human Rights
Commission
R.S.O. 1970,
c. 318

(2) The Ontario Human Rights Commission, established under *The Ontario Human Rights Code* is responsible to the Minister for the administration of this Act, except Part III.

Minister
responsible
for Part III

17. Such member of the Executive Council as the Lieutenant Governor in Council may assign is responsible for the administration of Part III.

Act binds
Crown

18. This Act binds the Crown.

Statutes and
regulations
subject to
Act

19.—(1) Where a provision in an Act or regulation purports to require or authorize conduct that is a contravention of Part I, this Act applies and prevails unless the Act or regulation specifically provides that it is to apply notwithstanding this Act.

Programs
for benefit
of a class
not affected

(2) Nothing in this Act shall be construed to affect the implementation of a plan, program, advantage, benefit, grant or allowance that is intended for the assistance, benefit or relief of one or more classes of persons and in which the equal enjoyment of services, goods, facilities or accommodation or equal treatment in employment or seeking employment is denied or qualified in respect of persons, including handicapped persons, who are outside the class.

Coming into
force of
subs. 1

(3) Subsection 1 does not come into force until two years after this Act comes into force.

20. In this Act,Interpre-
tation

- (a) “equal” means subject to all requirements, qualifications and considerations to which others, unaffected by a handicap, are subject;
- (b) “housing accommodation” means a place of dwelling but does not include housing accommodation in a dwelling in which the owner or his family reside if the occupant or occupants of the housing accommodation are required to share a bathroom or kitchen facility with the owner or his family;
- (c) “on the ground of a handicap” means for the reason that the person has or is believed to have,
 - (i) a physical disability or impairment, including epilepsy,
 - (ii) a condition of mental retardation or impairment other than a mental disorder, or
 - (iii) formerly had a mental disorder,
 or for the reason that the person relies upon the use of a prosthetic device, wheelchair or dog guide;
- (d) “person”, in addition to the extended meaning given it by *The Interpretation Act*, includes an unincorporated association, a partnership or a municipality or local board thereof or an agency or commission of the Government of Ontario.

R.S.O. 1970.
c. 225

21. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

22. The short title of this Act is *The Handicapped Persons' Rights Act, 1979*.

Short title

BILL 188

An Act to provide for
Rights of Handicapped Persons

1st Reading

November 22nd, 1979

2nd Reading

3rd Reading

THE HON. R. G. ELGIE
Minister of Labour

(Government Bill)

A20N
B
-B56

Publication

BILL 189

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Legislated in

An Act to amend
The Collection Agencies Act

MR. DAVISON



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to prohibit collection agencies from collecting amounts for insured services under *The Health Insurance Act, 1972* in excess of the amounts payable for the service by the Ontario Health Insurance Plan, except where an agency is provided with an affidavit made by the physician or medical practitioner indicating that the debtor was informed in advance that he would be charged for the excess amount.

BILL 189

1979

An Act to amend The Collection Agencies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 31 of *The Collection Agencies Act*, being chapter 71 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(e) collect or attempt to collect for a physician or medical practitioner any moneys for an insured service under *The Health Insurance Act, 1972*, in excess of the amount payable for the service by the Ontario Health Insurance Plan unless the agency or collector has been provided with an affidavit made by the physician or medical practitioner stating that the debtor was informed prior to the performance of the insured service that the debtor would be charged such excess amount.
2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Collection Agencies Amendment Act, 1979*.

s. 31, amended

1972, c. 91

Commence-
ment

Short title

An Act to amend
The Collection Agencies Act

1st Reading

November 23rd, 1979

2nd Reading

3rd Reading

MR. DAVISON

(Private Member's Bill)

BILL 190

Private Member's Bill

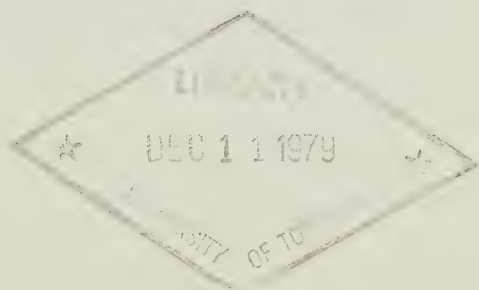
3RD SESSION, 31ST LEGISLATURE, ONTARIO

28 ELIZABETH II, 1979

Legislature House

An Act to amend
The Consumer Reporting Act, 1973

MR. DAVISON



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to prohibit consumer reporting agencies from including in a consumer report any information regarding collections or debts owed by a person for amounts charged by a physician or medical practitioner in excess of amounts payable by the Ontario Health Insurance Plan under *The Health Insurance Act, 1972*, except where an agency is provided with an affidavit made by the physician or medical practitioner that he informed the patient in advance.

BILL 190

1979

**An Act to amend
The Consumer Reporting Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 9 of *The Consumer Reporting Act, 1973*,^{s. 9 (3), amended} being chapter 97, is amended by adding thereto the following clause:

(ka) information regarding collections or debts relating to amounts charged by a physician or medical practitioner in excess of amounts payable by the Ontario Health Insurance Plan for insured services under *The Health Insurance Act, 1972* unless the agency has been provided with an affidavit made by a physician or medical practitioner stating that the debtor was informed prior to the performance of the insured service that the person would be charged the excess amount.^{1972, c. 91}
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Consumer Reporting Amendment Act, 1979*. Short title

BILL 190

An Act to amend
The Consumer Reporting Act, 1973

1st Reading

November 23rd, 1979

2nd Reading

3rd Reading

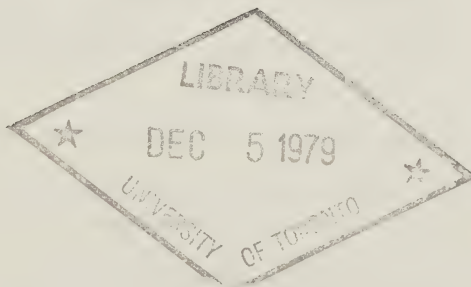
MR. DAVISON

(Private Member's Bill)

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to monitor and regulate
the activities of Cults and Mind Development Groups

MR. SWEENEY



EXPLANATORY NOTE

The purpose of the Bill is to provide a mechanism for identifying cults and mind development groups that may cause a danger to the mental health of adherents. The Bill establishes "The Commission for the Investigation of Cults and Mind Development Groups" to investigate and report on the activities of such groups. The Bill also establishes certain reporting requirements for cults and groups that are designated by the Lieutenant Governor in Council. Where a person has suffered physical or mental illness as a result of adherence to a cult or mind development group, the Bill requires that the cult or group shall reimburse the Ontario Health Insurance Plan for any amounts paid by the Plan as a result of the illness.

BILL 191

1979

An Act to monitor and regulate the activities of Cults and Mind Development Groups

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Commission" means The Commission for the Investigation of Cults and Mind Development Groups established by this Act;

(b) "Minister" means the Minister of Health.

2.—(1) The Lieutenant Governor in Council may appoint three or more persons as a commission known as "The Commission for the Investigation of Cults and Mind Development Groups".

Appointment
of
Commission

(2) The Commission appointed under subsection 1 shall include,

Idem

(a) one representative of the Canadian Mental Health Association;

(b) one representative of the Ontario Medical Association.

(3) The Lieutenant Governor in Council may appoint one of the members of the Commission to be chairman.

Chairman

(4) A majority of the members of the Commission constitutes a quorum and a majority vote of the members present at any meeting of the Commission determines any question.

Quorum

3.—(1) The objects of the Commission are to investigate and report upon any cult or mind development group, adherence to which is alleged to constitute a danger to the mental health of any person, and to recommend to the Lieutenant Governor in Council whether the cult or group should be designated for the purposes of this Act.

Objects

Powers
1971, c. 49

(2) For the purposes of an investigation under this Act, the Commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Designation

4. The Lieutenant Governor in Council may designate any cult or mind development group as a cult or group that shall comply with the reporting requirements of section 5.

Report

5.—(1) Every cult and mind development group designated under section 4 shall file with the Minister, within fourteen days of the date of the designation, a report describing,

- (a) the practices and techniques used by the cult or group with respect to the soliciting of adherents, the counseling of members, and the nature and content of seminars conducted by the group;
- (b) the qualification of counsellors; and
- (c) the manner of financing the cult or group, including a statement indicating the sources and application of funds used by the cult or group.

Additional
report

(2) The Minister may at any time by notice require any designated cult or group to file within the time specified in the notice a return upon any subject connected with its affairs and, in the opinion of the Minister, relevant to the public interest.

Annual
financial
report

6. Every designated cult or group shall, within sixty days of the end of each calendar year, file a report with the Minister giving full details concerning the financing of the cult or group during that calendar year, and the report shall list every payment made in that year to the cult or group by a member and the amount of such payment.

Inquiry by
Commission

7.—(1) Where a person who is or has been an adherent of a cult or group receives treatment for illness, whether physical or mental, and a payment is made in respect of such treatment from the Ontario Health Insurance Plan, the Commission shall make an inquiry to determine whether the illness was a direct result of that person's adherence to the cult or group.

Assessment
for health
insurance
costs

(2) Where the Commission determines that a person's illness is a direct result of adherence to a designated cult or group, the Commission shall assess the cult or group for the full amount of the payment made from the Ontario Health Insurance Plan and such amount shall be a debt due to the Crown and is recoverable by proceedings in a court of competent jurisdiction.

8. The Minister may, subject to the approval of the Lieutenant Governor in Council, make regulations, Regulations

- (a) prescribing qualification requirements for counsellors providing services on behalf of a designated cult or group;
- (b) prohibiting a designated cult or group from permitting persons under a specified age from participating in the activities of the cult or group, and specifying a minimum age for that purpose;
- (c) prohibiting a cult or group from accepting a full commitment to the cult or group by a person who has not been permitted a period of time to consider the consequences of such commitment away from the influences of the cult or group and specifying periods of time for that purpose.

9. This Act comes into force on the day it receives Royal Assent. Commence-
ment

10. The short title of this Act is *The Cult Regulation Act*, Short title
1979.

An Act to monitor and regulate the activities
of Cults and Mind Development Groups

1st Reading

November 27th, 1979

2nd Reading

3rd Reading

MR. SWEENEY

(Private Member's Bill)

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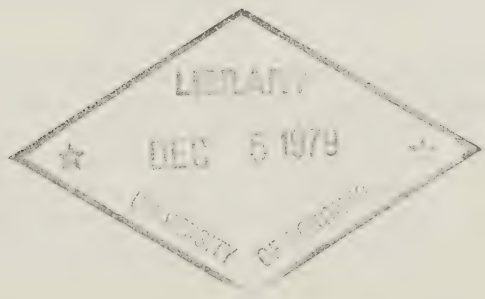
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BILL 192

Government
Publications
Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to provide for a Basic Residential Power Rate
Applicable to the Essential Energy Needs of Residential
Households in Ontario**

MR. SARGENT



EXPLANATORY NOTE

The purpose of the Bill is to provide for the establishment of a basic residential rate for electrical power usage by residential households in Ontario. The basic residential rate is applied to the amount of electrical power required by a typical residential household to fulfil minimum essential energy needs. The proposed amendments to *The Ontario Energy Board Act* require the Board to determine those functions that constitute the minimum essential energy needs of a residential household in Ontario. Each municipal corporation that distributes electrical power must establish a basic residential rate on the basis of the electrical power demand required in its service area to fulfil the minimum energy needs. The Bill sets a maximum level for the basic residential rate and stipulates that the basic residential rate must be the lowest rate for electrical power usage charged by the corporation.

BILL 192

1979

An Act to provide for a Basic Residential Power Rate Applicable to the Essential Energy Needs of Residential Households in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE ONTARIO ENERGY BOARD ACT

1. *The Ontario Energy Board Act*, being chapter 312 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

37ab.—(1) The Board shall examine into and determine the minimum essential electrical needs of residents of Ontario and, on or before the 1st day of July, 1980, the Board shall make a report to the Minister listing the functions that constitute the minimum essential electrical needs of a typical residential household in Ontario.

s. 37ab,
enacted

Minimum
essential
electrical
needs

(2) Upon determination of the minimum essential electrical needs referred to in subsection 1, every municipal electric utility commission and every municipal corporation that distributes electrical power in Ontario shall determine the basic demand for electrical energy required to fulfil the minimum essential electrical needs of a typical residential household located in the area to which it distributes electrical power.

Basic demand
for
electrical
power

(3) Every commission and corporation that makes a determination under subsection 2 shall report the determination to the Board and the Board may review and alter the determination where the Board considers it proper.

Report to
Board

PART II

THE POWER CORPORATION ACT

s. 96a,
enacted

- 2.** *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

Basic
residential
rate

96a.—(1) Notwithstanding section 96, any municipal corporation that charges a rate for the distribution of electrical power shall establish a basic residential rate for residential households in the corporation's service area and the basic residential rate shall be applied to that amount of electrical power demand that is equal to the basic demand for electrical energy as determined under section 37ab of *The Ontario Energy Board Act*.

R.S.O. 1970,
c. 312

Maximum
rate

(2) The basic residential rate referred to in subsection 1 shall not exceed the residential rate chargeable immediately prior to the 1st day of January, 1975, plus 50 per cent of any rate increase between the 1st day of January, 1975, to the 1st day of January, 1979.

Basic
residential
rate to be
lowest rate

(3) The basic residential rate charged by a municipal corporation shall be the lowest rate charged by the corporation to any of its customers and a corporation shall not, by means of a discount or otherwise, supply electrical power to a customer at a cost lower than the cost incurred by a person paying the basic residential rate.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** The short title of this Act is *The Lifeline Act, 1979*.

BILL 192

An Act to provide for a Basic Residential
Power Rate Applicable to the Essential
Energy Needs of Residential Households
in Ontario

1st Reading

November 27th, 1979

2nd Reading

3rd Reading

MR. SARGENT

(Private Member's Bill)

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Publications

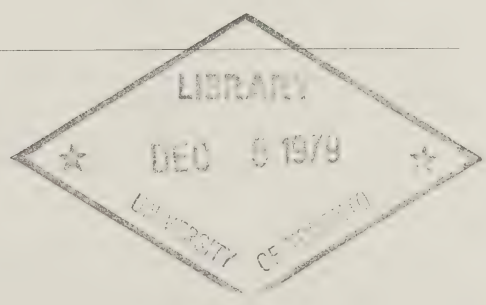
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BILL 193

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Health Insurance Act, 1972

MR. BREAGH



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to require the Minister of Health to publish in *The Ontario Gazette* the names of physicians and medical practitioners who have withdrawn from the Ontario Health Insurance Plan.

Bill 193

1979

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Health Insurance Act, 1972*, being chapter 91, is ^{s. 20, amended} amended by adding thereto the following subsection:

(7) The Minister shall cause to be published in *The Ontario Gazette* ^{Notice} a notice indicating the name of each physician who notifies the General Manager in writing that he intends to cease submitting his accounts directly to the Plan within thirty days of the receipt of such notification.

2. Section 20a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 52, section 3, is ^{s. 20a, amended} amended by adding thereto the following subsection:

(7) The Minister shall cause to be published in *The Ontario Gazette* ^{Notice} a notice indicating the name of each practitioner who notifies the General Manager in writing that he intends to cease submitting his accounts directly to the Plan within thirty days of the receipt of such notification.

3. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
4. The short title of this Act is *The Health Insurance Amendment Act, 1979*. ^{Short title}

An Act to amend
The Health Insurance Act, 1972

1st Reading

November 27th, 1979

2nd Reading

3rd Reading

MR. BREAUGH

(Private Member's Bill)

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17

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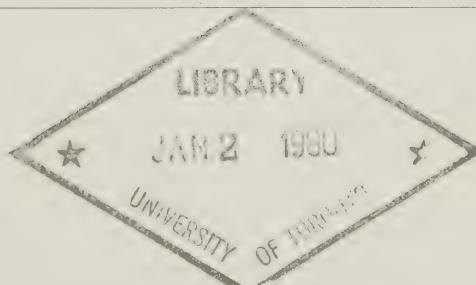
BILL 194

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Ontario Unconditional Grants Act, 1975**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The proposed subsection 1 of section 9 re-enacts the present section 9 of the Act which is set out below:

9. In each year there shall be paid a resource equalization grant to each lower tier municipality whose equalized assessment per capita in the preceding year is below \$10,650, or such other amount as may be prescribed, in an amount based, in the manner prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to \$10,650 as applied to the net levy of the lower tier municipality.

The amendment clarifies the authority to prescribe the equalized assessment for purposes of calculating the resource equalization grant and removes the requirement that the whole grant be paid to the lower tier municipality.

The proposed subsection 2 of section 9 provides for the method of payment of a resource equalization grant to the lower tier and upper tier municipalities.

SECTION 2. This section permits the Lieutenant Governor in Council to prescribe an alternative method of determining resource equalization grants in 1980, where a lower tier municipality would experience a decrease in its resource equalization grant in 1980 because a new equalization factor was determined for the municipality in 1979. The alternative method of determining the grant will limit the effect that the new equalization factor would have on the municipality.

BILL 194

1979

An Act to amend The Ontario Unconditional Grants Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Ontario Unconditional Grants Act, 1975*, being chapter 7, as re-enacted by the Statutes of Ontario, 1977, chapter 7, section 6, is repealed and the following substituted therefor: s. 9.
re-enacted

9.—(1) In each year there shall be paid a resource equalization grant in respect of each lower tier municipality whose equalized assessment per capita in the preceding year is below such standard equalized assessment per capita as may be prescribed, and the amount of the grant shall be based, in the manner prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to the prescribed standard equalized assessment per capita as applied to the net levy of the lower tier municipality. Resource
equalization
grants

(2) A grant payable under subsection 1 shall be paid to the lower tier municipality in respect of which it was determined and to the upper tier municipality within which that lower tier municipality is situate in the proportions prescribed, and the portion of the grant payable to the upper tier municipality in that year shall be deducted from the requisition or levy of that upper tier municipality upon that lower tier municipality in that year and the net amount shall be included in the levy of the lower tier municipality for purposes of section 302 of *The Municipal Act* and section 7 of this Act in that year. Payment of
grants

R.S.O. 1970.
c. 284

2. Notwithstanding subsection 1 of section 9 of the Act, as re-enacted by section 1, the Lieutenant Governor in Council may, by regulation, prescribe an alternative formula for determining the resource equalization grant to be paid in the year 1980 in respect of a lower tier municipality that, but for the alternative formula prescribed under this section, would experience a decrease in its resource Alternative
method of
determining
resource
equalization
grant in
1980

equalization grant by reason of a new equalization factor having been determined for such municipality in the year 1979 under section 71 of *The Assessment Act*, and any grant payable under the alternative formula shall be paid in accordance with subsection 2 of the said section 9.

R.S.O. 1970,
c. 32

s. 10 (1),
amended

- 3.—(1) Subsection 1 of section 10 of the said Act is amended by striking out “or county purposes” in the fourth line and by striking out “preceding” in the seventh line and inserting in lieu thereof “current”.

s. 10 (3),
repealed

- (2) Subsection 3 of the said section 10, as amended by the Statutes of Ontario, 1977, chapter 7, section 7, is repealed.

ss. 11, 12, 13,
repealed

4. Section 11, as amended by the Statutes of Ontario, 1977, chapter 7, section 8, and sections 12 and 13 of the said Act, are repealed.

s. 19 (1),
amended

5. Subsection 1 of section 19 of the said Act is amended by adding thereto the following clause:

(h) providing for estimating the resource equalization grant payable in respect of a lower tier municipality and the portion thereof attributable to the upper tier municipality and providing for using such estimated amount in place of the actual amount pending the final determination of the actual amount.

Regulations
limiting
undue shifts
in taxation

R.S.O. 1970,
c. 32

- 6.—(1) For purposes of limiting undue shifts in taxation in the year 1980 caused by the change in equalization factors resulting from a new determination in the year 1979 under section 71 of *The Assessment Act*, the Lieutenant Governor in Council may make regulations,

(a) notwithstanding the provisions of any general or special Act, to alter or determine the basis upon which and the manner in which apportionments, levies and requisitions are made in the year 1980 by the councils of upper and lower tier municipalities and by any local board, or class thereof, as specified in the regulations; and

(b) to provide for the payment of grants on such terms and conditions as are set out in the regulations to lower tier municipalities and to upper tier municipalities which municipalities would, despite the application of regulations made under clause a, experience undue increases in taxation in the year 1980 by reason of the change in their equalization factor.

SECTION 3.—Subsection 1. Subsection 1 of section 10 as it now reads is set out below:

(1) For the purposes of any general or special Act, the equalized assessment of a lower tier municipality shall for apportionment purposes, other than for school purposes or county purposes or for apportionment between merged areas, be increased by an amount that would have produced the amount of the resource equalization grant entitlement in the preceding year by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes, other than school purposes, on commercial assessment in the preceding year, by the total equalized commercial assessment for the preceding year, times 1,000.

The underlined words “or county purposes” will be struck out and the underlined word “preceding” will be replaced by the word “current”.

At present, subsection 1 of section 10 requires area municipalities to include an amount in respect of its resource equalization grant from the preceding year in its assessment base for regional apportionment purposes. The amendment requires that an amount be included in respect of the resource equalization grant for the current year for both regional and county apportionments.

Subsection 2. The repealed provision required the clerk of a lower tier municipality that received a resource equalization grant in the preceding year to provide a statement to the upper tier municipality of the amount of the grant and the amount to be added to the equalized assessment under subsection 1 of section 10. Requirements for statements will be set out in the regulations.

SECTION 4. The repeal of sections 11 and 12 of the Act is complementary to the enactment of subsection 2 of section 9 of the Act as set out in section 1 of the Bill. The repeal of section 13 of the Act is complementary to the enactment of clause *b* of section 19 (1) of the Act as set out in section 5 of the Bill.

SECTION 5. The purpose of the proposed clause *h* of section 19 (1) is to permit the Lieutenant Governor in Council to make regulations providing for estimating the resource equalization grant entitlement and providing for the use of such estimated amount in place of the actual amount.

SECTION 6. The purpose of this section is to enable the Lieutenant Governor in Council to make regulations to alter or determine the basis upon which apportionments, levies and requisitions are made in the year 1980 where a change of equalization factors in 1979 causes undue shifts in taxation in 1980. The Lieutenant Governor in Council will also be authorized to allow the payment of grants to limit the effect that the new equalization factors would have on municipal taxation in 1980, where, notwithstanding the use of an altered basis of determining apportionments, levies and requisitions, a municipality would experience an undue increase in taxation in 1980.

SECTION 7. The proposed amendment to *The Municipal Act* removes the requirement that an equivalent assessment in respect of the preceding year's resource equalization grants be included in the assessment base of a lower tier municipality for county apportionment purposes.

- (2) The moneys required for the purposes of subsection 1 shall be paid out of the moneys appropriated therefor by the Legislature. Moneys
7. Sub-subclause F of subclause ii of clause *j* of subsection 1 of section 507 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 136, section 21, is repealed. R.S.O. 1970.
c. 284,
s. 507 (1) (*j*),
(ii). F,
repealed
8. This Act comes into force on the 1st day of January, 1980. Commence-
ment
9. The short title of this Act is *The Ontario Unconditional Grants Amendment Act, 1979*. Short title

BILL 194

An Act to amend
The Ontario Unconditional Grants
Act, 1975

1st Reading

December 6th, 1979

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

A20N
XB
- 1986

2
BILL 194

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Ontario Unconditional Grants Act, 1975

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 194

1979

An Act to amend The Ontario Unconditional Grants Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Ontario Unconditional Grants Act, 1975*, being chapter 7, as re-enacted by the Statutes of Ontario, 1977, chapter 7, section 6, is repealed and the following substituted therefor: s. 9.
re-enacted

9.—(1) In each year there shall be paid a resource equalization grant in respect of each lower tier municipality whose equalized assessment per capita in the preceding year is below such standard equalized assessment per capita as may be prescribed, and the amount of the grant shall be based, in the manner prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to the prescribed standard equalized assessment per capita as applied to the net levy of the lower tier municipality. Resource
equalization
grants

(2) A grant payable under subsection 1 shall be paid to the lower tier municipality in respect of which it was determined and to the upper tier municipality within which that lower tier municipality is situate in the proportions prescribed, and the portion of the grant payable to the upper tier municipality in that year shall be deducted from the requisition or levy of that upper tier municipality upon that lower tier municipality in that year and the net amount shall be included in the levy of the lower tier municipality for purposes of section 302 of *The Municipal Act* and section 7 of this Act in that year. Payment of
grants

2. Notwithstanding subsection 1 of section 9 of *The Ontario Unconditional Grants Act, 1975*, as re-enacted by section 1 of this Act, the Lieutenant Governor in Council may, by regulation, prescribe an alternative formula for determining the resource equalization grant to be paid in the year 1980 in respect of a lower tier municipality that, but for the alternative formula prescribed under this section, Alternative
method of
determining
resource
equalization
grant in
1980

R.S.O. 1970.
c. 32

would experience a decrease in its resource equalization grant by reason of a new equalization factor having been determined for such municipality in the year 1979 under section 71 of *The Assessment Act*, and any grant payable under the alternative formula shall be paid in accordance with subsection 2 of the said section 9.

s. 10 (1),
amended

- 3.**—(1) Subsection 1 of section 10 of the said Act is amended by striking out “or county purposes” in the fourth line and by striking out “preceding” in the seventh line and inserting in lieu thereof “current”.

s. 10 (3),
repealed

- (2) Subsection 3 of the said section 10, as amended by the Statutes of Ontario, 1977, chapter 7, section 7, is repealed.

ss. 11, 12, 13,
repealed

- 4.** Section 11, as amended by the Statutes of Ontario, 1977, chapter 7, section 8, and sections 12 and 13 of the said Act, are repealed.

s. 19 (1),
amended

- 5.** Subsection 1 of section 19 of the said Act is amended by adding thereto the following clause:

(h) providing for estimating the resource equalization grant payable in respect of a lower tier municipality and the portion thereof attributable to the upper tier municipality and providing for using such estimated amount in place of the actual amount pending the final determination of the actual amount.

Regulations
limiting
undue shifts
in taxation

R.S.O. 1970.
c. 32

- 6.**—(1) For purposes of limiting undue shifts in taxation in the year 1980 caused by the change in equalization factors resulting from a new determination in the year 1979 under section 71 of *The Assessment Act*, the Lieutenant Governor in Council may make regulations,

(a) notwithstanding the provisions of any general or special Act, to alter or determine the basis upon which and the manner in which apportionments, levies and requisitions are made in the year 1980 by the councils of upper and lower tier municipalities and by any local board, or class thereof, as specified in the regulations; and

(b) to provide for the payment of grants on such terms and conditions as are set out in the regulations to lower tier municipalities and to upper tier municipalities which municipalities would, despite the application of regulations made under clause a, experience undue increases in taxation in the year 1980 by reason of the change in their equalization factor.

(2) The moneys required for the purposes of subsection 1 shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

7. Sub-subclause F of subclause ii of clause *j* of subsection 1 of section 507 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 136, section 21, is repealed. R.S.O. 1970,
c. 284,
s. 507 (1) (*j*),
(ii), F.
repealed

8. This Act comes into force on the 1st day of January, 1980. Commence-
ment

9. The short title of this Act is *The Ontario Unconditional Grants Amendment Act, 1979*. Short title

An Act to amend
The Ontario Unconditional Grants
Act, 1975

1st Reading

December 6th, 1979

2nd Reading

December 11th, 1979

3rd Reading

December 18th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

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Government
Publications

2
F
BILL 195

Government Bill

3RD SESSION, 31ST LEGISLATURE, ⁵ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Regional Municipality of Peel Act, 1973**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTES

The purpose of this Bill is to give the area municipalities the power to make expenditures for the purpose of diffusing information respecting the advantages of the area municipality as an industrial, agricultural, business, educational, residential or vacation centre. The Regional Corporation will have the power to diffuse information respecting the advantages of the regional municipality as an agricultural, business, educational, residential or vacation centre.

Section 117 now reads as follows:

- 117.—(1) *The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre.*
- (2) *Paragraph 50 of subsection 1 of section 354 and section 395 of The Municipal Act apply mutatis mutandis to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.*
- (3) *In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply mutatis mutandis to such employee on the date he is transferred to the Regional Corporation.*

SECTION 1:—Subsections 1 and 1a. These provisions enable the Regional Corporation to diffuse information for the purposes set out above. The Regional Council will have the power to pass by-laws for establishing and maintaining a department for such purposes and for appointing a commissioner to be responsible for diffusing such information and will be able to pool its funds and act jointly with other municipalities for such purposes.

Subsection 2. The effect of striking out the reference to section 395 of *The Municipal Act* in section 117 (2) is that the area municipalities will have the powers to diffuse information for the purposes set out in section 395.

Subsection 3. The repealed subsection is no longer required because the staff transfer has been completed.

BILL 195

1979

An Act to Amend The Regional Municipality of Peel Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 117 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, as amended by the Statutes of Ontario, 1976, chapter 43, section 70, is repealed and the following substituted therefor:

(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an agricultural, business, educational, residential or vacation centre and the Regional Council may pass by-laws for establishing and maintaining a department for such purpose and for appointing a commissioner to be responsible for diffusing such information.

(1a) The Regional Corporation and other municipalities may pool their funds and act jointly for the purposes of subsection 1.

- (2) Subsection 2 of the said section 117 is amended by striking out “and section 395 of *The Municipal Act* apply *mutatis mutandis*” in the first and second lines and inserting in lieu thereof “of *The Municipal Act* applies with necessary modifications”.

- (3) Subsection 3 of the said section 117, as enacted by the Statutes of Ontario, 1973, chapter 161, section 7, is repealed.

2. This Act comes into force on the 1st day of January, 1980.
3. The short title of this Act is *The Regional Municipality of Peel Amendment Act, 1979*.

BILL 195

An Act to amend
The Regional Municipality
of Peel Act, 1973

1st Reading

December 6th, 1979

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

A 28N
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2
BILL 195

Government
~~SECRET~~

3RD SESSION, 31ST LEGISLATURE, ¹ONTARIO
28 ELIZABETH II, 1979² *Legisl. Council*

An Act to amend
The Regional Municipality of Peel Act, 1973

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 195

1979

An Act to Amend The Regional Municipality of Peel Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 117 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, as amended by the Statutes of Ontario, 1976, chapter 43, section 70, is repealed and the following substituted therefor: s. 117 (1),
re-enacted

(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an agricultural, business, educational, residential or vacation centre and the Regional Council may pass by-laws for establishing and maintaining a department for such purpose and for appointing a commissioner to be responsible for diffusing such information. Expenditures
for
publicity

(1a) The Regional Corporation and other municipalities may pool their funds and act jointly for the purposes of subsection 1. Pooling
of funds

- (2) Subsection 2 of the said section 117 is amended by striking out “and section 395 of *The Municipal Act* apply *mutatis mutandis*” in the first and second lines and inserting in lieu thereof “of *The Municipal Act* applies with necessary modifications”. s. 117 (2),
amended

- (3) Subsection 3 of the said section 117, as enacted by the Statutes of Ontario, 1973, chapter 161, section 7, is repealed. s. 117 (3),
repealed

2. This Act comes into force on the 1st day of January, 1980. Commence-
ment
3. The short title of this Act is *The Regional Municipality of Peel Amendment Act, 1979*. Short title

An Act to amend
The Regional Municipality
of Peel Act, 1973

1st Reading

December 6th, 1979

2nd Reading

December 11th, 1979

3rd Reading

December 18th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

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2

Private Member's Bill

BILL 196

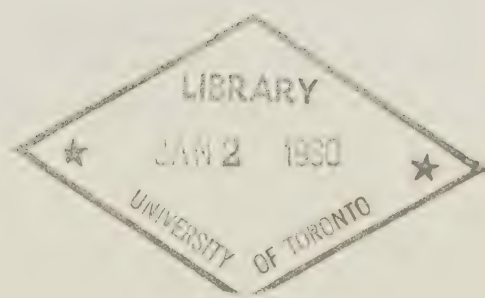
Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Legislative Assembly

An Act to amend
The Crown Employees Collective
Bargaining Act, 1972

MR. MACKENZIE



EXPLANATORY NOTES

The purpose of the Bill is to clarify that the Ontario Public Service Labour Relations Tribunal has exclusive jurisdiction to determine units of employees that are appropriate for collective bargaining purposes under the Act. The Bill also authorizes the Tribunal to make determinations affecting collective bargaining units established by the regulations when the Act came into force.

Therefore, the Bill will remove the jurisdiction of the Lieutenant Governor in Council and transfer it to the Ontario Public Service Labour Relations Tribunal.

SECTION 1. Section 3 of the Act, as it currently reads, is set out below:

3. —(1) *Upon an application for representation rights, the Tribunal shall, subject to subsection 2, determine the unit of employees that is appropriate for collective bargaining purposes under this Act.*
- (2) *The bargaining units designated in the regulations are appropriate units for collective bargaining purposes under this Act.*

SECTION 2. Section 51 (d) of the Act, as it now reads, is set out below:

51. *The Lieutenant Governor in Council may make regulations,*

(d) designating,

- (i) units of employees that are appropriate bargaining units for collective bargaining purposes under this Act, and*
- (ii) designating the employee organization that shall have representation rights in relation to each of such bargaining units,*

upon the day this Act comes into force.

BILL 196

1979

**An Act to amend
The Crown Employees Collective
Bargaining Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, is repealed and the following substituted therefor: s. 3.
re-enacted

3.—(1) Upon an application for representation rights, the Tribunal shall determine the unit of employees that is appropriate for collective bargaining purposes under this Act. Tribunal
to establish
appropriate
unit of
employees

(2) The Tribunal may, upon application, make any determination in respect of a bargaining unit designated by the regulations upon the coming into force of this Act as the Tribunal considers advisable. Designated
bargaining
units
2. Clause *d* of section 51 of the said Act is repealed. s. 51 (*d*).
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Crown Employees Collective Bargaining Amendment Act, 1979*. Short title

An Act to amend
The Crown Employees Collective
Bargaining Act, 1972

1st Reading

December 6th, 1979

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

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7 BILL 197

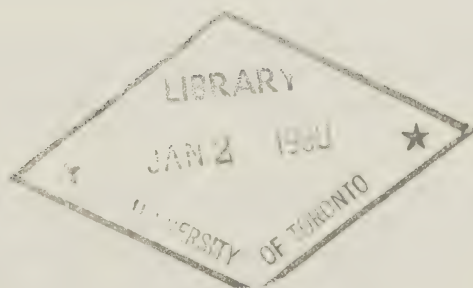
Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Legislative Assembly

An Act to amend The Public Hospitals Act

MR. BREAGH



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for the establishment of a conciliation board to mediate disputes between public hospitals and the Minister of Health concerning matters related to the government, management, operation or use of a hospital or the payment of grants to a hospital. If the conciliation board is unable to effect agreement between the parties, it shall report its recommendations to the Minister and the public hospital that is a party to the dispute and the conciliation board's report shall then be made public.

BILL 197

1979

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Hospitals Act*, being chapter 378 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 51, 52, 53.
enacted

51.—(1) Where a dispute arises between a hospital and the Minister concerning any matter relating to the government, management, operation or use of a hospital or the payment of grants by way of provincial aid to a hospital, the hospital may require, by notice in writing to the Minister, that a board of conciliation be established to consider the dispute. Board of
conciliation

(2) Within five days of the receipt of the notice by the Minister, the hospital and the Minister shall each appoint a member to the board who has indicated his willingness to act. Appointment
of
members

(3) Within ten days after the day on which the second of the members of the board was appointed, the two members shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman. Appointment
of third
member

(4) Where the two members appointed by the hospital and the Minister fail within ten days after the appointment of the second of them to agree upon the third member, the Speaker of the Legislative Assembly of Ontario shall, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint a third member. Failure of
members
to appoint
third
member

(5) If a person ceases to be a member of a board of conciliation by reason of his resignation, death or otherwise before it has completed its work, the person or persons who appointed the member shall appoint another member in his place. Vacancies

Procedure	(6) The board of conciliation shall determine its own procedure but shall give full opportunity to the hospital, the Minister and any other party to present their evidence and make their submissions.
Decision	(7) The decision of a majority of the members of a board of conciliation is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.
Duty of board of conciliation	52. As soon as a board of conciliation is established, it shall endeavour to effect agreement between the hospital and the Minister in the matters in dispute.
Report	53.—(1) A board of conciliation shall report its findings and recommendations to the hospital and the Minister within thirty days after its final sitting.
Extension of time for making report	(2) The period mentioned in subsection 1 may be extended for such period as may be agreed upon by the parties.
Report available to public	(3) On receipt of the report of the board of conciliation, the hospital and the Minister shall make the report available to any member of the public who wishes to read or photocopy the report.
Commencement	2. This Act comes into force on the day it receives Royal Assent.
Short title	3. The short title of this Act is <i>The Public Hospitals Amendment Act, 1979</i> .

BILL 197

An Act to amend
The Public Hospitals Act

1st Reading

December 6th, 1979

2nd Reading

3rd Reading

MR. BREAUGH

(Private Member's Bill)

428N
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B56

BILL 198

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Legislative Assembly Act

MR. STERLING



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to establish "M. P. P." as the official designation of members of the Legislative Assembly.



BILL 198

1979

**An Act to amend
The Legislative Assembly Act**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 15a.
enacted

15a. The designation "M.P.P." shall be the official designation of a person who is elected to the Assembly. Official
designation

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Legislative Assembly Amendment Act, 1979*. Short title

BILL 198

An Act to amend
The Legislative Assembly Act

1st Reading

December 6th, 1979

2nd Reading

3rd Reading

MR. STERLING

(Private Member's Bill)

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979 *Legisla*

An Act to amend The Libel and Slander Act

THE HON. R. MCMURTRY
Attorney General



EXPLANATORY NOTES

SECTION 1. The definition of “broadcasting” is amended to include more lately developed methods of communication.

SECTION 2. The new section would overrule the decision in *Cherneskey v. Armadale Publishers*, [1979] 1 S.C.R. 1067 in which the defence of fair comment was held not to be available to the publisher of a letter to the editor where the publisher did not hold the opinion expressed in the letter. The new section would restore the defence in the circumstances set out in the section and is wide enough to include open line radio programs.

BILL 199

1979

An Act to amend The Libel and Slander Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 1 of *The Libel and Slander Act*,^{s. 1 (1) (a), re-enacted} being chapter 243 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(a) “broadcasting” means the dissemination of writing, signs, signals, pictures and sounds of all kinds, intended to be received by the public either directly or through the medium of relay stations, by means of,

(i) any form of wireless radioelectric communication utilizing Hertzian waves, including radiotelegraph and radiotelephone, or

(ii) cables, wires, fibre-optic linkages or laser beams,

and “broadcast” has a corresponding meaning.

2. The said Act is amended by adding thereto the following section:^{s. 25, enacted}

25. Where the defendant published defamatory matter that is an opinion expressed by another person, a defence of fair comment shall not fail for the reason only that the defendant or the person who expressed the opinion, or both, did not hold the opinion, if a person could honestly hold the opinion.^{Fair comment}

3. This Act comes into force on the day it receives Royal Assent.^{Commencement}

4. The short title of this Act is *The Libel and Slander Amendment Act*,^{Short title} 1979.

BILL 199

An Act to amend
The Libel and Slander Act

1st Reading

December 7th, 1979

2nd Reading

3rd Reading

THE HON. R. McMEIKEN
Attorney General

(Government Bill)

11207
XB
- B56

BILL 200

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Consumer Protection Act**

MR. SWART



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to require that every product offered for sale bearing a product code must also be marked with its purchase price. The Bill prohibits increases in the purchase price of a product above the price initially marked on it by the retailer. The Bill also provides that if the price marked on the product differs from the price associated with the product code, the purchase price of the product is the lower of the two prices.

BILL 200

1979

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

47a.—(1) In this section,

Interpre-
tation

- (a) “product” means an item of goods and includes a wrapper or container of goods;
- (b) “product code” means a marking on a product designed to be read by a computer device for the purpose of identifying the product and includes the universal product code;
- (c) “retail seller” means a person who offers a product for sale but not for resale.

(2) No retail seller shall offer for sale a product that is marked with a product code unless the purchase price of the product is clearly and legibly marked on the product.

Purchase
price
marking
required

(3) No retail seller shall, at any time after a product is offered for sale, increase the purchase price of the product to a price higher than the purchase price initially marked on the product.

Alteration of
purchase
price

(4) Where the purchase price marked on a product differs from the purchase price identified by a computer device, the purchase price of the product shall be the lower of the two prices.

Purchase
price lower
of two
prices

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is *The Consumer Protection Amendment Act, 1979*.

Short title

BILL 200

An Act to amend
The Consumer Protection Act

1st Reading

December 10th, 1979

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

A26N
XB
-B56

3
17 BILL 201

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act for the establishment and conduct of a Project in
The Municipality of Metropolitan Toronto to improve
methods of processing Complaints by members of the
Public against Police Officers on the Metropolitan Police Force

THE HON. R. MCMURTRY
Solicitor General



TORONTO

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EXPLANATORY NOTE

The Bill establishes a project in The Municipality of Metropolitan Toronto to improve the processing of complaints by the public concerning the conduct of police officers.

Provision is made for the appointment of a Public Complaints Commissioner who shall monitor and review the handling of complaints by the Metropolitan Toronto Police Force and shall exercise the powers and perform other duties set out.

The Bill establishes the Police Complaints Board and provides for its membership and the conduct of hearings by it.

Procedures are established for the making of complaints and the recording, investigation, resolution and disposition thereof.

The project expires three years after the Act comes into force.

BILL 201

1979

An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto to improve methods of processing Complaints by members of the Public against Police Officers on the Metropolitan Police Force

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Police Complaints Board;
- (b) "Bureau" means the Public Complaints Investigation Bureau;
- (c) "chief of police" means the chief of police of the Metropolitan Police Force;
- (d) "complaint" means a complaint by a member of the public, made orally or in writing, respecting the conduct of a police officer;
- (e) "police officer" means a police officer on the Metropolitan Police Force;
- (f) "prescribed" means prescribed by the regulations;
- (g) "regulations" means the regulations made under this Act.

2. This Act applies only to complaints made by members of the public respecting the conduct of police officers on the Metropolitan Police Force and hearings under this Act and disciplinary proceedings under *The Police Act* and the regulations thereunder arising out of such complaints.

Application
of Act

R.S.O. 1970,
c. 351

Appointment
of Public
Complaints
Commissioner

3.—(1) The Lieutenant Governor in Council shall appoint a Public Complaints Commissioner to exercise the powers and perform the duties assigned to him by this Act and the regulations.

Officers,
etc.

(2) Such officers and employees as are considered necessary from time to time for the purposes of the Public Complaints Commissioner may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

Annual
report

(3) The Public Complaints Commissioner shall report annually upon the affairs of his office to the Solicitor General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

(4) The accounts of the Public Complaints Commissioner shall be audited annually by the Provincial Auditor.

Bureau to be
established

4.—(1) The chief of police shall establish and maintain for the purposes of this Act a branch of the Metropolitan Police Force to be known as the Public Complaints Investigation Bureau.

Staff

(2) The chief of police shall ensure that the Bureau is supplied with sufficient staff to effectively receive, record and investigate complaints.

Where com-
plaints may
be made

5.—(1) A member of the public may make a complaint at the Bureau, at any police station in The Municipality of Metropolitan Toronto or at the office of the Public Complaints Commissioner.

Information

(2) The person who receives a complaint shall record the complaint in the prescribed form and shall furnish the person making the complaint with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights under this Act of the person making the complaint.

Copy of
complaint

(3) Where a complaint is recorded at a police station, the person recording the complaint shall forward forthwith to the Bureau and to the Public Complaints Commissioner a copy of the complaint.

Idem

(4) Where a complaint is recorded at the Bureau, the person recording the complaint shall forward forthwith to the Public Complaints Commissioner a copy of the complaint.

Idem

(5) Where a complaint is recorded at the office of the Public Complaints Commissioner, the person recording the complaint shall forward forthwith to the Bureau a copy of the complaint.

Police officer
to be informed

6. Upon receipt of a complaint, the person in charge of the Bureau shall inform the police officer concerned of the substance

of the complaint, unless, in the opinion of such person, to do so might adversely affect any investigation of the complaint.

7.—(1) The person in charge of the Bureau shall consider whether a complaint can be resolved informally and, with the consent of the person making the complaint and the police officer concerned, may attempt to so resolve the complaint. Informal resolution

(2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved and the person making the complaint and the police officer concerned shall each signify in writing his agreement to such resolution. Record of informal resolution

(3) A copy of a record made under subsection 2 shall be furnished forthwith to the Public Complaints Commissioner, the person making the complaint and the police officer concerned. Copy of record to be forwarded

(4) No reference shall be made in the personal record of a police officer to a complaint resolved under this section, except where misconduct has been admitted by the police officer. No reference in personal record of police officer

8.—(1) Where a complaint is not resolved informally, the person in charge of the Bureau shall cause an investigation to be made forthwith into the complaint in accordance with prescribed procedures. Investigation

(2) The person in charge of the Bureau shall furnish to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned an interim report in the prescribed form providing a summary of the investigation to date not later than thirty days after receipt of the complaint and shall furnish further interim reports to the same persons on a monthly basis during the course of the investigation. Interim reports

(3) Notwithstanding subsection 2, the person in charge of the Bureau may decide not to make a report to the person who made the complaint and the police officer concerned where, in his opinion, to do so might adversely affect the investigation of the complaint or where there are no new matters to report, in which case the person in charge of the Bureau shall notify the Public Complaints Commissioner of the reasons for his decision. Exception

(4) Where an investigation has been completed, the person in charge of the Bureau shall cause a final investigation report to be prepared and shall forward a copy thereof to the Public Complaints Commissioner, the chief of police, the person who made the complaint and the police officer concerned. Final report

(5) A final investigation report prepared under subsection 4 shall, Idem

- (a) contain a summary of the complaint and a description of the alleged misconduct by the police officer;
- (b) contain a summary of the investigation and of information obtained from the person who made the complaint, the police officer concerned and witnesses, if any; and
- (c) contain a description and analysis of any physical evidence obtained.

Powers and
duties of chief
of police

9.—(1) The chief of police shall review a final investigation report and he may order such further investigation as he considers advisable and may,

- (a) cause an information alleging the commission of an offence by the police officer concerned to be laid and refer the matter to the Crown attorney for prosecution;
- (b) refer the matter to the Board for a hearing by the Board;
- (c) cause disciplinary proceedings to be taken under *The Police Act* and the regulations thereunder; and
- (d) after giving the police officer concerned an opportunity to reply to the complaint, either orally or in writing, counsel or caution the police officer regarding his conduct,

R.S.O. 1970,
c. 351

or he may decide to take no action.

Hearing
not stayed

(2) Where the chief of police causes an information to be laid under clause *a* of subsection 1, such action shall not stay any hearing by the chief of police or by the Board unless the chief of police or the Board, as the case may be, is of the opinion that the hearing should be stayed until the court proceedings have been concluded.

Notice of
action taken

(3) The chief of police shall give forthwith written notice of any action taken by him under subsection 1 or of his decision to take no action to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned.

Designation
by chief
of police

(4) The chief of police may designate any police officer to exercise any of his powers and perform any of his duties under this Act and the police officer so designated has the powers and duties set out in the designation and where any power is conditional on the opinion of the chief of police, the requisite opinion shall be that of the designated officer.

Application
of s. 20
R.S.O. 1970,
c. 351

10.—(1) Where the chief of police has caused disciplinary proceedings to be taken under *The Police Act* and the regulations

thereunder, subsections 3, 5, 9, 10 and 11 of section 19 of this Act apply with necessary modifications to a hearing held in connection with such proceedings.

(2) The chief of police shall give forthwith written notice of his decision and the reasons therefor to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned. Notice of decision

11. Where the chief of police has held a hearing in connection with disciplinary proceedings taken under *The Police Act* and the regulations thereunder, and a penalty has been imposed upon a police officer, the police officer may appeal to the Board under section 12 of this Act and not as provided in *The Police Act* and the regulations thereunder. Police officer may appeal R.S.O. 1970, c. 351

12.—(1) A notice of appeal shall be served on the Board within fifteen days after the police officer receives notice of the penalty imposed by the chief of police. Notice of appeal

(2) Notwithstanding subsection 1, where the chairman of the Board is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for granting an extension, he may extend the time for giving the notice either before or after the expiration of the fifteen day period referred to in subsection 1 and may give such directions as he considers proper consequent upon such extension. Extension of time

- 13.**—(1) The Public Complaints Commissioner, Powers and duties of Public Complaints Commissioner
- (a) shall maintain copies of all records, reports and other material received by him under this Act;
 - (b) shall monitor the handling of complaints by the Bureau and the chief of police;
 - (c) may review the record of the informal resolution of a complaint and may request that the person in charge of the Bureau cause an investigation to be made into the complaint;
 - (d) may, upon receipt of a copy of the final investigation report from the person in charge of the Bureau, request that the chief of police cause further investigation to be made into the complaint or may conduct such inquiry or investigation as he considers necessary, and, in such case, shall report the results of his inquiry or investigation to the chief of police;
 - (e) shall receive a request for a review under section 14; and

(f) shall evaluate the effectiveness of the system for handling complaints.

Report

(2) Where the person in charge of the Bureau or the chief of police causes an investigation to be made under clause *c* or *d*, as the case may be, of subsection 1, he shall report the results of his investigation to the Public Complaints Commissioner.

Request
for review

14.—(1) Where a person who has made a complaint is dissatisfied with the decision made on a disciplinary proceeding arising out of his complaint that is not a decision of the Board or with action taken by the chief of police under clause *d* of subsection 1 of section 9 or with a decision of the chief of police to take no action, he may request the Public Complaints Commissioner to review the matter.

Hearing may
be ordered

(2) Where the Public Complaints Commissioner receives a request under subsection 1, he shall review the matter and may, after such review, order a hearing by the Board if he believes that, in the public interest, such a hearing is required or may decide to take no further action.

Notice

(3) The Public Complaints Commissioner shall give forthwith written notice to the chief of police, the person who made the complaint and the police officer concerned of his decision under subsection 2 and may, if he thinks fit, state his reasons therefor.

Where hearing
not to
be ordered

(4) The Public Complaints Commissioner shall not order a hearing under subsection 2 where a police officer has appealed to the Board under section 12.

Powers on
investigation

15.—(1) For the purposes of a review under section 14, the Public Complaints Commissioner may inquire into and investigate the allegations in the complaint and, for such purposes, he may, after informing the chief of police, enter a police station and examine therein books, papers, documents and things related to the complaint.

Powers on
inquiry
1971, c. 49

(2) For the purposes of an inquiry, the Public Complaints Commissioner has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Appointment
of person
to make
inquiry and
investigation

(3) The Public Complaints Commissioner may, in writing, appoint a person to make any inquiry and any investigation he is authorized to make and the person so appointed has all the powers and duties of the Public Complaints Commissioner relating to the inquiry and the investigation.

(4) The person appointed to make an inquiry or investigation shall report the results of his inquiry or investigation to the Public Complaints Commissioner. Report

(5) No person shall obstruct the Public Complaints Commissioner or a person appointed by him to make an investigation or withhold from him or conceal or destroy any books, papers, documents or things related to the investigation. Obstruction

(6) Where a justice of the peace is satisfied upon an *ex parte* application by the Public Complaints Commissioner that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to an investigation, the justice of the peace may issue an order authorizing the Public Complaints Commissioner, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the justice of the peace, by the order, authorizes the Public Complaints Commissioner to make the search at night. Search warrant

(7) The Public Complaints Commissioner may, upon giving a receipt therefor, remove any books, papers, documents or things examined under subsection 1 or 6 relating to the investigation and shall with reasonable dispatch make copies of such books, papers or documents and return them promptly thereafter to the person from whom they were removed. Removal of books, etc.

(8) Any copy made as provided in subsection 7 and certified to be a true copy by the Public Complaints Commissioner is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Admissibility of copies

(9) The Public Complaints Commissioner may appoint an expert to examine books, papers, documents or things examined under subsection 1 or 6. Appointment of experts

(10) This section applies with necessary modifications to an inquiry or investigation by the Public Complaints Commissioner under clause *d* of subsection 1 of section 13. Application

16. Where, after making a review, the Public Complaints Commissioner is of the opinion that a police practice or procedure should be altered, he shall report his opinion and recommendations to the Solicitor General, the Ontario Police Commission, the Metropolitan Board of Commissioners of Police and the chief of police. Report

Board established	17.—(1) A board to be known as the Police Complaints Board is hereby established.
Chairman	(2) The Public Complaints Commissioner shall be the chairman of the Board.
Composition and appointment	(3) The Board shall be composed of the chairman and as many other members as the Lieutenant Governor in Council considers proper and such members shall be appointed by the Lieutenant Governor in Council.
Qualifications	(4) One-third of the members of the Board shall be persons who have had training in law.
Recommendation for appointment	(5) The chief of police and the Metropolitan Toronto Police Association shall jointly recommend to the Solicitor General for appointment to the Board such number of persons, other than police officers, as will constitute one-third of the membership of the Board.
Idem	(6) The council of The Municipality of Metropolitan Toronto shall recommend to the Solicitor General for appointment to the Board such number of persons as will constitute one-third of the membership of the Board.
Idem	(7) Recommendations under subsections 5 and 6 shall be made to the Solicitor General within such time as he may specify.
Remuneration	(8) The members of the Board shall receive such salaries or remuneration and expenses as may be fixed by the Lieutenant Governor in Council.
Duties of chairman	(9) The chairman shall have general supervision and direction over the conduct of the affairs of the Board and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.
Summaries and report	(10) The Board shall prepare and publish periodically a summary of its decisions and the reasons therefor and shall report annually on its affairs to the Solicitor General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
Audit	(11) The accounts of the Board shall be audited annually by the Provincial Auditor.
Officers, etc.	(12) Such officers and employees as are considered necessary from time to time for the purposes of the Board may be appointed under <i>The Public Service Act</i> .

18.—(1) Where,Conduct of
hearing

- (a) the chief of police has referred a matter to the Board under clause *b* of subsection 1 of section 9;
- (b) a police officer has appealed to the Board under section 12; or
- (c) the Public Complaints Commissioner has, under subsection 2 of section 14, ordered a hearing,

the Board shall hold a hearing and the Public Complaints Commissioner shall assign in accordance with this section a member or members of the Board to conduct the hearing.

(2) Where, in the opinion of the Public Complaints Commissioner, the complaint alleges misconduct by the police officer that is of a minor nature, he shall assign a member of the Board who has had training in law to sit alone to conduct the hearing. Idem

(3) Where, in the opinion of the Public Complaints Commissioner, the complaint alleges misconduct by a police officer that is of a serious nature, he shall assign three members of the Board who shall constitute a panel to conduct the hearing. Idem

(4) The chairman of the panel constituted under subsection 3 shall be a member of the Board who has had training in law and, where possible, one member of the panel shall be a person appointed to the Board on the joint recommendation of the chief of police and the Metropolitan Toronto Police Association and one member shall be a person appointed to the Board on the recommendation of the council of The Municipality of Metropolitan Toronto. Who shall
be on
panel

(5) Where the chief of police has referred a matter to the Board or a police officer has appealed to the Board, the Public Complaints Commissioner is eligible to sit alone to conduct the hearing under subsection 2 and to be chairman of a panel constituted under subsection 3. Eligibility

(6) Where a police officer has appealed to the Board and the Public Complaints Commissioner is of the opinion that the complaint alleges misconduct that is of a minor nature, he shall so advise the police officer who may by written notice given within seven days require that the Public Complaints Commissioner be the member who sits alone to conduct the hearing. Public
Complaints
Commissioner
required
to sit

(7) A decision of a member of the Board sitting alone and a decision of a majority of a panel is a decision of the Board and, for all purposes of a hearing, the member sitting alone or the panel, as the case may be, shall be deemed to be the Board. Decisions

Hearing	19.— (1) The Board shall appoint a time for a hearing and shall conduct a hearing <i>de novo</i> .
Notice of hearing	(2) The Board shall give to the chief of police, the person who made the complaint and the police officer concerned written notice of the hearing and of the time appointed therefor.
Opportunity to examine evidence	(3) The police officer concerned shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
Member holding hearing not to communicate with party	(4) The member or members of the Board conducting a hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.
Oral evidence	(5) The oral evidence given at the hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.
Counsel	(6) The Board may appoint counsel to assist the Board at the hearing.
Only members at hearing to participate in decision	(7) No member of the Board shall participate in a decision following the hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision shall be given unless all members so present participate in the decision.
Release of documents	(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him within a reasonable time after the matter in issue has been finally determined.
Police officer not required to give evidence 1971, c. 47	(9) Notwithstanding section 12 of <i>The Statutory Powers Procedure Act, 1971</i> , the police officer concerned shall not be required to give evidence at the hearing nor shall any statement or answer required to be given by him in respect of the complaint made against him be admitted in evidence at the hearing, except with his consent.
Statement or admission not admissible in evidence	(10) Where the person in charge of the Bureau attempts to resolve a complaint informally and the complaint is not so resolved, any statement or admission made during such attempt by the police officer concerned or by the person who made the complaint

shall not be admitted in evidence at the hearing, except with the consent of the police officer or the person who made the complaint, as the case may be.

(11) No finding of misconduct by the police officer shall be made unless the misconduct is proved beyond a reasonable doubt. Proof of misconduct

(12) Where a member of the Board sitting alone finds the police officer guilty of misconduct, he may, Imposition of penalty

- (a) direct that days off not exceeding five days be forfeited;
- (b) direct that pay not exceeding three days pay be forfeited;
or
- (c) reprimand the police officer.

(13) Where a panel of the Board finds the police officer guilty of misconduct, it may, Idem

- (a) dismiss the police officer from the Metropolitan Police Force;
- (b) direct that the police officer resign from the Metropolitan Police Force and, in default of resigning within seven days, be summarily dismissed;
- (c) reduce the police officer in rank or gradation of rank and in pay in accordance with the rank to which he is reduced;
- (d) direct that days off not exceeding twenty days be forfeited;
- (e) direct that pay not exceeding five days pay be forfeited;
or
- (f) reprimand the police officer, which reprimand may be in lieu of or in addition to any other penalty imposed.

(14) The Board shall give forthwith written notice of its decision and the reasons therefor to the chief of police, the person who made the complaint and the police officer concerned. Notice of decision

(15) No reference to a hearing conducted by the Board shall be made in the personal record of the police officer concerned unless the Board has made a finding of misconduct by the police officer. No reference to hearing

20.—(1) A party to a hearing by the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court. Appeal

Solicitor
General
entitled to
be heard

(2) The Solicitor General is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Appeal on
questions
of law
only

(3) An appeal under this section may be made on questions of law only.

How
notice,
etc.,
may be
served

21. Any notice, report or other material required to be given, furnished, forwarded or otherwise served under this Act is sufficiently served if delivered personally or sent by prepaid first class mail addressed to the person on whom service is required to be made at his last known or usual place of abode.

Matters
confidential

22.—(1) Every person engaged in the administration of this Act and the regulations, including a member of the Metropolitan Police Force, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties and shall not communicate any such matter to any other person except,

R.S.O. 1970.
c. 351

(a) as may be required in connection with the administration of this Act and the regulations or *The Police Act* and the regulations thereunder;

(b) as may be required for the due enforcement of the law;

(c) to his counsel; or

(d) with the consent of the person to whom the matter relates.

Testimony

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, except at a hearing under this Act or a disciplinary proceeding under *The Police Act* and the regulations thereunder.

R.S.O. 1970.
c. 351

What is
inadmissible
in evidence

(3) No record, report, writing or document arising out of a complaint is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a disciplinary proceeding under *The Police Act* and the regulations thereunder.

1975. c. 42
does not
apply

23. *The Ombudsman Act, 1975* does not apply to the Public Complaints Commissioner or the Board.

Moneys

24.—(1) The moneys required for the purposes of the Public Complaints Commissioner and the Board shall, until the 31st day of March, 1980, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

(2) The Solicitor General, with the approval of the Lieutenant Governor in Council, and The Corporation of The Municipality of Metropolitan Toronto may enter into an agreement to provide for the payment by the Corporation to the Treasurer of Ontario on such terms and conditions as may be agreed upon of contributions in respect of the moneys referred to in subsection 1.

25. Any person who contravenes subsection 5 of section 15 or subsection 1 of section 22 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

26. The Lieutenant Governor in Council may make regulations,

- (a) prescribing what shall be taken into account in determining whether misconduct is of a minor or serious nature;
- (b) defining conduct that may be the subject of a complaint;
- (c) respecting the reporting and publication of decisions of the Board;
- (d) assigning duties to the Public Complaints Commissioner;
- (e) prescribing forms and providing for their use; and
- (f) prescribing any matter that by this Act is required to be or is referred to as prescribed.

27. This Act is repealed on a day that is three years after it comes into force.

28. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

29. The short title of this Act is *The Metropolitan Police Force Complaints Project Act, 1979*.

BILL 201

An Act for the establishment and conduct
of a Project in The Municipality of
Metropolitan Toronto to improve methods
of processing Complaints by members of the
Public against Police Officers on the
Metropolitan Police Force

1st Reading

December 11th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Solicitor General

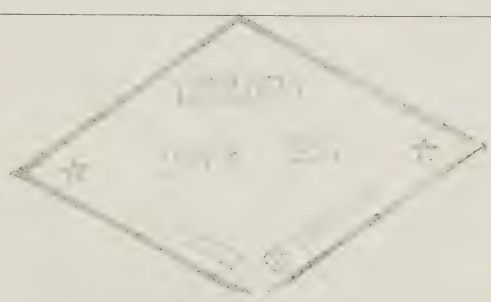
(Government Bill)

A2PN
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- B56

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting Occupiers' Liability

THE HON. R. MCMURTRY
Attorney General



EXPLANATORY NOTE

The Bill is substantially that recommended by the Ontario Law Reform Commission in its report on Occupiers' Liability made in 1972. The Bill was published by the Ministry of the Attorney General in May, 1979 as a discussion paper and is a companion to *An Act to protect against Trespass to Property*.

The Bill replaces the categories of duties owed by occupiers under the common law with a single duty of care based upon the rule of negligence. Exceptions include a lower duty of care in respect of trespassers and persons permitted to enter for recreational activity on certain classes of land.

BILL 202

1979

An Act respecting Occupiers' Liability

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "occupier" includes,

- (i) a person who is in physical possession of premises, or
- (ii) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises,

notwithstanding that there is more than one occupier of the same premises;

(b) "premises" means lands and structures, or either of them, and includes,

- (i) water,
- (ii) ships and vessels,
- (iii) trailers and portable structures designed or used for residence, business or shelter,
- (iv) trains, railway cars, vehicles and aircraft, except while in operation.

2. Subject to section 9, the provisions of this Act apply in place of the rules of the common law that determine the care that the occupier of premises at common law is required to show for the purpose of determining his liability in law in respect of dangers to persons entering on the premises or the property brought on the premises by those persons.

Common law
duty of care
superseded

Occupier's
duty

3.—(1) An occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises.

Idem

(2) The duty of care provided for in subsection 1 applies whether the danger is caused by the condition of the premises or by an activity carried on on the premises.

Idem

(3) The duty of care provided for in subsection 1 applies except in so far as the occupier of premises is free to and does restrict, modify or exclude his duty.

Risks
willingly
assumed

4.—(1) The duty of care provided for in subsection 1 of section 3 does not apply in respect of risks willingly assumed by the person who enters on the premises but in that case the occupier owes a duty to the person to not create a danger with the deliberate intent of doing harm or damage to the person or his property and to not act with reckless disregard of the presence of the person or his property.

Criminal
activity

(2) A person who is on premises with the intention of committing, or in the commission of, a criminal act shall be deemed to have willingly assumed all risks.

Trespass
and
permitted
recreational
activity
1979, c.

(3) A person who enters premises described in subsection 4 shall be deemed to have willingly assumed all risks,

(a) where the entry is prohibited under *The Trespass to Property Act, 1979*; or

(b) where the entry is for the purpose of a recreational activity and,

(i) no fee is paid for the entry or activity of the person; and

(ii) the person is not being provided with living accommodation by the occupier.

Premises
referred
to in
subs. 3

(4) The premises referred to in subsection 3 are,

(a) a rural premises that is,

(i) used for agricultural purposes, including land under cultivation, orchards, pastures and woodlots,

(ii) vacant or undeveloped premises,

- (iii) forested or wilderness premises;
- (b) golf courses when not open for playing;
- (c) utility rights-of-way and corridors, excluding structures located thereon;
- (d) unopened road allowances;
- (e) private roads reasonably marked by notice as such; and
- (f) recreational trails reasonably marked by notice as such.

5.—(1) The duty of an occupier under this Act, or his liability for breach thereof, shall not be restricted or excluded by the provisions of any contract to which the person to whom the duty is owed is not a party, whether or not the occupier is bound by the contract to permit such person to enter or use the premises. Restriction of duty or liability

(2) A contract shall not by virtue of this Act have the effect, unless it expressly so provides, of making an occupier who has taken reasonable care, liable to any person not a party to the contract, for dangers due to the faulty execution of any work of construction, maintenance or repair, or other like operation by persons other than himself, his servants, and persons acting under his direction and control. Extension of liability by contract

(3) Where an occupier is free to restrict, modify or exclude his duty of care or his liability for breach thereof, he shall take reasonable steps to bring such restriction, modification or exclusion to the attention of the person to whom the duty is owed. Reasonable steps to inform

6.—(1) Where damage to any person or his property is caused by the negligence of an independent contractor employed by the occupier, the occupier is not on that account liable if in all the circumstances he had acted reasonably in entrusting the work to the independent contractor, if he had taken such steps, if any, as he reasonably ought in order to satisfy himself that the contractor was competent and that the work had been properly done, and if it was reasonable that the work performed by the independent contractor should have been undertaken. Liability where independent contractor

(2) Where there is more than one occupier of premises, any benefit accruing by reason of subsection 1 to the occupier who employed the independent contractor shall accrue to all occupiers of the premises. Idem

Idem

(3) Nothing in this section affects any duty of the occupier that is non-delegable at common law or affects any provision in any other Act that provides that an occupier is liable for the negligence of an independent contractor.

Application
of ss. 5 (1, 2), 6

7. In so far as subsections 1 and 2 of section 5 prevent the duty of care owed by an occupier, or liability for breach thereof, from being restricted or excluded, they apply to contracts entered into both before and after the commencement of this Act, and in so far as section 6 enlarges the duty of care owed by an occupier, or liability for breach thereof, it applies only in respect of contracts entered into after the commencement of this Act.

Obligations
of landlord
as occupier

8.—(1) Where premises are occupied or used by virtue of a tenancy under which the landlord is responsible for the maintenance or repair of the premises, it is the duty of the landlord to show towards any person or the property brought on the premises by those persons, the same duty of care in respect of dangers arising from any failure on his part in carrying out his responsibility as is required by this Act to be shown by an occupier of the premises.

Idem

(2) For the purposes of this section, a landlord shall not be deemed to have made default in carrying out any obligation to a person unless his default is such as to be actionable at the suit of the person entitled to possession of the premises.

Interpre-
tation

(3) For the purposes of this section, obligations imposed by any enactment by virtue of a tenancy shall be treated as imposed by the tenancy, and "tenancy" includes a statutory tenancy, an implied tenancy and any contract conferring the right of occupation, and "landlord" shall be construed accordingly.

Application
of section

(4) This section applies to all tenancies whether created before or after the commencement of this Act.

Preservation
of higher
obligations

9.—(1) Nothing in this Act relieves an occupier of premises in any particular case from any higher liability or any duty to show a higher standard of care that in that case is incumbent on him by virtue of any enactment or rule of law imposing special liability or standards of care on particular classes of persons including, but without restricting the generality of the foregoing, the obligations of,

R.S.O. 1970,
c. 223

- (a) innkeepers, subject to *The Innkeepers Act*;
- (b) common carriers;
- (c) bailees.

(2) Nothing in this Act shall be construed to affect the rights, duties and liabilities resulting from a master and servant relationship where it exists. Master and servant relationships

(3) The provisions of *The Negligence Act* apply with respect to causes of action to which this Act applies. Application of R.S.O. 1970, c. 296

10.—(1) This Act binds the Crown, subject to *The Proceedings Against the Crown Act*. Act binds Crown R.S.O. 1970, c. 365

(2) This Act does not apply to the Crown or to any municipal corporation, where the Crown or the municipal corporation is an occupier of a public highway or a public road. Exception

11. This Act does not affect rights and liabilities of persons in respect of causes of action arising before this Act comes into force. Application of Act

12. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

13. The short title of this Act is *The Occupiers' Liability Act, 1979*. Short title

BILL 202

An Act respecting
Occupiers' Liability

1st Reading

December 11th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

142411
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3
BILL 203

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO.
28 ELIZABETH II, 1979 *referred*

**An Act to protect against
Trespass to Property**

THE HON. R. MCMURTRY
Attorney General



EXPLANATORY NOTE

This Bill was published by the Ministry of the Attorney General in May, 1979 as a discussion paper and is a companion to *An Act respecting Occupiers' Liability*.

The Bill provides more effective penalties for trespass and provides for a system whereby an owner can give a limited right of entry to permit recreational activity. The Bill respecting Occupiers' Liability limits the liability of the owner in such cases.

BILL 203

1979

An Act to protect against Trespass to Property

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) “occupier” includes,

- (i) a person who is in physical possession of premises, or
- (ii) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises,

notwithstanding that there is more than one occupier of the same premises;

(b) “person” includes a board as defined in *The Education Act, 1974*; 1974, c. 109

(c) “premises” means lands and structures, or either of them, and includes,

- (i) water,
- (ii) ships and vessels,
- (iii) trailers and portable structures designed or used for residence, business or shelter,
- (iv) trains, railway cars, vehicles and aircraft, except while in operation.

2.—(1) Every person who is not acting under a right or authority conferred by law and who, Trespass
an offence

(a) without the express permission of the occupier, the proof of which rests on the defendant,

(i) enters on premises when entry is prohibited under this Act, or

(ii) engages in an activity on premises when the activity is prohibited under this Act; or

(b) does not leave the premises immediately after he is directed to do so by the occupier of the premises or a person authorized by the occupier,

is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Colour
of right
as a
defence

(2) It is a defence to a charge under subsection 1 in respect of premises that is land that the person charged reasonably believed that he had title to or an interest in the land that entitled him to do the act complained of.

Prohibition
of entry

3.—(1) Entry on premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises,

(a) that is a garden, field or other land that is under cultivation, including a lawn, orchard, vineyard and premises on which trees have been planted and have not attained an average height of more than one metre; or

(b) that is enclosed in a manner that indicates the occupier's intention to keep persons off the premises or to keep animals on the premises.

Implied
permission
to use
approach
to door

(2) There is a presumption that access for lawful purposes to the door of a building on premises by a means apparently provided and used for the purpose of access is not prohibited.

Limited
permission

4.—(1) Where notice is given that one or more particular activities are permitted, all other activities and entry for the purpose are prohibited and any additional notice that entry is prohibited or a particular activity is prohibited on the same premises shall be construed to be for greater certainty only.

Limited
prohibition

(2) Where entry on premises is not prohibited under section 3 or by notice that one or more particular activities are permitted under subsection 1, and notice is given that a particular activity is prohibited, that activity and entry for the purpose is prohibited

and all other activities and entry for the purpose are not prohibited.

5.—(1) A notice under this Act may be given,

Method
of giving
notice

(a) orally or in writing;

(b) by means of signs posted so that a sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the premises to which it applies; or

(c) by means of the marking system set out in section 7.

(2) Substantial compliance with clause *b* or *c* of subsection 1 is sufficient notice.

Substantial
compliance

6.—(1) A sign naming an activity or showing a graphic representation of an activity is sufficient for the purpose of giving notice that the activity is permitted.

Form
of sign

(2) A sign naming an activity with an oblique line drawn through the name or showing a graphic representation of an activity with an oblique line drawn through the representation is sufficient for the purpose of giving notice that the activity is prohibited.

Idem

7.—(1) Red markings made and posted in accordance with subsections 3 and 4 are sufficient for the purpose of giving notice that entry on the premises is prohibited.

Red
markings

(2) Yellow markings made and posted in accordance with subsections 3 and 4 are sufficient for the purpose of giving notice that entry is prohibited except for the purpose of certain activities and shall be deemed to be notice of the activities permitted.

Yellow
markings

(3) A marking under this section shall be of such a size that a circle ten centimetres in diameter can be contained wholly within it.

Size

(4) Markings under this section shall be so placed that a marking is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the premises to which it applies.

Posting

8. A notice or permission under this Act may be given in respect of any part of the premises of an occupier.

Notice
applicable
to part
of premises

Arrest
without
warrant

9.—(1) A police officer, or the occupier of premises, or a person authorized by the occupier may arrest without warrant any person he believes on reasonable and probable grounds to be on the premises in contravention of section 2.

Delivery
to police
officer

(2) Where the person who makes an arrest under subsection 1 is not a police officer, he shall promptly call for the assistance of a police officer and give the person arrested into the custody of the police officer.

Application
of 1979, c. 4

(3) A police officer to whom the custody of a person is given under subsection 2 shall be deemed to have arrested the person for the purposes of the provisions of *The Provincial Offences Act, 1979* applying to his release or continued detention and bail.

Motor
vehicles
R.S.O. 1970,
c. 102

10. Where an offence under this Act is committed by means of a motor vehicle, as defined in *The Highway Traffic Act*, the driver of the motor vehicle is liable to the fine provided under this Act and, where the driver is not the owner, the owner of the motor vehicle is also liable to the fine provided under this Act unless, at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner without the owner's consent.

Damage
award

11.—(1) Where a person is convicted of an offence under section 2, and a person has suffered damage caused by the person convicted during the commission of the offence, the court shall, on the request of the prosecutor and with the consent of the person who suffered the damage, determine the damages and shall make a judgment for damages against the person convicted in favour of the person who suffered the damage, but no judgment shall be for an amount in excess of \$1,000.

Costs of
prosecution

(2) Where a prosecution under section 2 is conducted by a private prosecutor, and the defendant is convicted, unless the court is of the opinion that the prosecution was not necessary for the protection of the occupier or his interests, the court shall determine the actual costs reasonably incurred in conducting the prosecution and, notwithstanding section 61 of *The Provincial Offences Act, 1979*, shall order those costs to be paid by the defendant to the prosecutor.

1979, c. 4

Damages
and costs
in addition
to fine

(3) A judgment for damages under subsection 1, or an award of costs under subsection 2, shall be in addition to any fine that is imposed under this Act.

Civil
action

(4) A judgment for damages under subsection 1 extinguishes the right of the person in whose favour the judgment is made to bring a civil action for damages against the person convicted arising out of the same facts.

(5) The failure to request or refusal to grant a judgment for damages under subsection 1 does not affect a right to bring a civil action for damages arising out of the same facts. Idem

(6) The judgment for damages under subsection 1, and the award for costs under subsection 2, may be filed in a small claims court and shall be deemed to be a judgment or order of that court for the purposes of enforcement. Enforce-
ment

12. *The Petty Trespass Act*, being chapter 347 of the Revised Statutes of Ontario, 1970, is repealed. Repeal

13. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

14. The short title of this Act is *The Trespass to Property Act*, 1979. Short title

BILL 203

An Act to protect
against Trespass to Property

1st Reading

December 11th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

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3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Labour Relations Act

THE HON. R. G. ELGIE
Minister of Labour



EXPLANATORY NOTES

SECTION 1. Under the proposed subsection 2 of section 125, an employer represented by an employer bargaining agency will be deemed to have given province-wide recognition to all affiliated bargaining agents that are represented by an employee bargaining agency in the industrial, commercial or institutional sector of the construction industry. An exception is made in respect of employees represented by a trade union that is not one of the affiliated bargaining agents represented by the employee bargaining agency.

SECTION 2. The proposed section 131*a* is complementary to the enactment of section 125 (2) of the Act as set out in section 1 of this Bill. Under section 131*a*, an application for certification as bargaining agent for the employees of an employer employed in the industrial, commercial or institutional sector of the construction industry may only be brought by an employee bargaining agent on behalf of all its affiliated bargaining agents. Similar provisions apply to voluntary recognition agreements. In both cases, the bargaining unit is the employees who would be bound by a provincial agreement.¹⁰

This section does not apply to a trade union that is not represented by an employee bargaining agency.

BILL 204

1979

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 125 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1977, chapter 31, section 3, is amended by adding thereto the following subsection: s. 125,
amended

(2) Where an employer is represented by a designated or accredited employer bargaining agency, the employer shall be deemed to have recognized all of the affiliated bargaining agents represented by a designated or certified employee bargaining agency that bargains with the employer bargaining agency as the bargaining agents for the purpose of collective bargaining in their respective geographic jurisdictions in respect of the employees of the employer employed in the industrial, commercial or institutional sector of the construction industry referred to in clause *e* of section 106, except those employees for whom a trade union other than one of the affiliated bargaining agents holds bargaining rights. Deemed recognition of affiliated bargaining agents

2. The said Act is amended by adding thereto the following section: s. 131a,
enacted

131a.—(1) An application for certification as bargaining agent for the employees of an employer employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 may only be brought by an employee bargaining agency on behalf of all the affiliated bargaining agents it represents, and the unit of employees that is appropriate for collective bargaining shall be those employees who would be bound by a provincial agreement. Application for certification

(2) A voluntary recognition agreement pertaining to employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 shall only be between the employer of the said employees and an employee bargaining agency on behalf of all the affiliated bar- Voluntary recognition agreement

gaining agents it represents and the defined bargaining unit shall only be those employees who would be bound by a provincial agreement.

Exception

(3) Notwithstanding subsections 1 and 2, a trade union that is not represented by an employee bargaining agency may bring an application for certification or enter into a voluntary recognition agreement on its own behalf.

s. 134 (2),
re-enacted

3. Subsection 2 of section 134 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 31, section 3, is repealed and the following substituted therefor:

Provincial
agreement
binding

(2) A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.

ss. 134a, 134b,
enacted

4. The said Act is further amended by adding thereto the following sections:

Calling of
strikes

134a.—(1) Where an employee bargaining agency desires to call or authorize a lawful strike, all of the affiliated bargaining agents it represents shall call or authorize the strike in respect of all the employees represented by all affiliated bargaining agents affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, and no affiliated bargaining agent shall call or authorize a strike of such employees except in accordance with this subsection.

Calling of
lock-outs

(2) Where an employer bargaining agency desires to call or authorize a lawful lock-out, all employers it represents shall call or authorize the lock-out in respect of all employees employed by such employers and represented by all the affiliated bargaining agents affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 and no employer shall lock out such employees except in accordance with this subsection.

Enforcement

(3) Subsections 1, 2, 3 and 4 of section 79 apply, with necessary modifications, where a complaint is made to the Board alleging a contravention of subsection 1 or 2 of this section.

SECTION 3. The amendment to section 134 (2) of the Act is complementary to the proposed enactment of section 125 (2) of the Act as set out in section 1 of this Bill. Section 134 (2) now reads as follows:

- (2) *A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency but only in respect of those employees for whom the affiliated bargaining agents hold bargaining rights and who are employed in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in such sector, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.*

The underlined words have been deleted.

SECTION 4. The following new sections respecting province-wide bargaining in the construction industry are proposed to be enacted:

134a. Under subsections 1 and 2, selective strikes and lock-outs by trade unions and employers represented by employee and employer bargaining agencies are prohibited. Under subsection 3, the Board may issue cease and desist orders where an unlawful strike or lock-out occurs.

134b. To prevent delays in the coming into effect of a province-wide agreement, a time limit of thirty days is prescribed for the acceptance or rejection of a memorandum of settlement. If the ratification vote does not occur within thirty days, the memorandum of settlement will come into effect as though it had been ratified.

134*b*.—(1) Where a memorandum of settlement of the terms of a provincial agreement is subject to ratification, the ratification shall take place within thirty days of the signing of the memorandum of settlement. Time for ratification

(2) Where ratification or rejection of a memorandum of settlement of the terms of a provincial agreement does not take place within the period of thirty days, the memorandum of settlement shall come into effect as though it had been ratified and shall constitute a provincial agreement. Effect of failure to ratify within prescribed time

5. This Act comes into force on the 1st day of May, 1980. Commencement
6. The short title of this Act is *The Labour Relations Amendment Act, 1979*. Short title

An Act to amend
The Labour Relations Act

1st Reading

December 11th, 1979

2nd Reading

3rd Reading

THE HON. R. G. ELGIE
Minister of Labour

(Government Bill)

CA20N
XB
-B56

3
BILL 204

Government
Publication
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Labour Relations Act

THE HON. R. G. ELGIE
Minister of Labour

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Under the proposed subsection 2 of section 125, an employer represented by an employer bargaining agency will be deemed to have given province-wide recognition to all affiliated bargaining agents that are represented by an employee bargaining agency in the industrial, commercial or institutional sector of the construction industry. An exception is made in respect of employees represented by a trade union that is not one of the affiliated bargaining agents represented by the employee bargaining agency.

SECTION 2. The proposed section 131*a* is complementary to the enactment of section 125 (2) of the Act as set out in section 1 of this Bill. Under section 131*a*, an application for certification as bargaining agent for the employees of an employer employed in the industrial, commercial or institutional sector of the construction industry may only be brought by an employee bargaining agent on behalf of all its affiliated bargaining agents. Similar provisions apply to voluntary recognition agreements. In both cases, the bargaining unit is the employees who would be bound by a provincial agreement.

This section does not apply to a trade union that is not represented by an employee bargaining agency.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 125 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1977, chapter 31, section 3, is amended by adding thereto the following subsection: s. 125,
amended

(2) Where an employer is represented by a designated or accredited employer bargaining agency, the employer shall be deemed to have recognized all of the affiliated bargaining agents represented by a designated or certified employee bargaining agency that bargains with the employer bargaining agency as the bargaining agents for the purpose of collective bargaining in their respective geographic jurisdictions in respect of the employees of the employer employed in the industrial, commercial or institutional sector of the construction industry referred to in clause *e* of section 106, except those employees for whom a trade union other than one of the affiliated bargaining agents holds bargaining rights. Deemed recognition of affiliated bargaining agents

2. The said Act is amended by adding thereto the following section: s. 131a,
enacted

131a.—(1) An application for certification as bargaining agent for the employees of an employer employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 may only be brought by a designated or certified employee bargaining agency on behalf of all the affiliated bargaining agents it represents, and the unit of employees that is appropriate for collective bargaining shall be those employees who would be bound by a provincial agreement. Application for certification

(2) A voluntary recognition agreement pertaining to employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 shall only be between the employer of the said employees and a designated or certified employee bargaining agency on behalf of Voluntary recognition agreement

all the affiliated bargaining agents it represents and the defined bargaining unit shall only be those employees who would be bound by a provincial agreement.

Exception

(3) Notwithstanding subsections 1 and 2, a trade union that is not represented by a designated or certified employee bargaining agency may bring an application for certification or enter into a voluntary recognition agreement on its own behalf.

s. 134 (2),
re-enacted

3. Subsection 2 of section 134 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 31, section 3, is repealed and the following substituted therefor:

Provincial
agreement
binding

(2) A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.

ss. 134a, 134b,
enacted

4. The said Act is further amended by adding thereto the following sections:

Calling of
strikes

134a.—(1) Where an employee bargaining agency desires to call or authorize a lawful strike, all of the affiliated bargaining agents it represents shall call or authorize the strike in respect of all the employees represented by all affiliated bargaining agents affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, and no affiliated bargaining agent shall call or authorize a strike of such employees except in accordance with this subsection.

Calling of
lock-outs

(2) Where an employer bargaining agency desires to call or authorize a lawful lock-out, all employers it represents shall call or authorize the lock-out in respect of all employees employed by such employers and represented by all the affiliated bargaining agents affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 and no employer shall lock out such employees except in accordance with this subsection.

Time for
ratification


134b.—(1) Where a memorandum of settlement of the terms of a provincial agreement is subject to ratification, the ratification shall take place within thirty days of the signing of the memorandum of settlement.


SECTION 3. The amendment to section 134 (2) of the Act is complementary to the proposed enactment of section 125 (2) of the Act as set out in section 1 of this Bill. Section 134 (2) now reads as follows:

- (2) *A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency but only in respect of those employees for whom the affiliated bargaining agents hold bargaining rights and who are employed in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in such sector, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.*

The underlined words have been deleted.

SECTION 4. The following new sections respecting province-wide bargaining in the construction industry are proposed to be enacted:

 134a. Under subsections 1 and 2, selective strikes and lock-outs by trade unions and employers represented by employee and employer bargaining agencies are prohibited.

(Note: This section was amended by the Committee of the Whole House by striking out subsection 3 which was set out in the 1st Reading copy of the Bill). 

134b. To prevent delays in the coming into effect of a province-wide agreement, a time limit of thirty days is prescribed for the acceptance or rejection of a memorandum of settlement. If the ratification vote does not occur within thirty days, the memorandum of settlement will come into effect as though it had been ratified.

(2) Where ratification or rejection of a memorandum of settlement of the terms of a provincial agreement does not take place within the period of thirty days, the memorandum of settlement shall come into effect as though it had been ratified and shall constitute a provincial agreement.

Effect of failure to ratify within prescribed time

5. This Act comes into force on the 1st day of May, 1980.

Commencement

6. The short title of this Act is *The Labour Relations Amendment Act, 1979*.

Short title

An Act to amend
The Labour Relations Act

1st Reading

December 11th, 1979

2nd Reading

December 18th, 1979

3rd Reading

THE HON. R. G. ELGIE
Minister of Labour

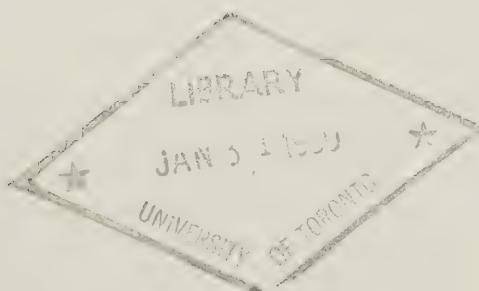
*(Reprinted as amended by the
Committee of the Whole House)*

BILL 204

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Labour Relations Act

THE HON. R. G. ELGIE
Minister of Labour



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 204

1979

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 125 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1977, chapter 31, section 3, is amended by adding thereto the following subsection: s. 125,
amended

(2) Where an employer is represented by a designated or accredited employer bargaining agency, the employer shall be deemed to have recognized all of the affiliated bargaining agents represented by a designated or certified employee bargaining agency that bargains with the employer bargaining agency as the bargaining agents for the purpose of collective bargaining in their respective geographic jurisdictions in respect of the employees of the employer employed in the industrial, commercial or institutional sector of the construction industry referred to in clause *e* of section 106, except those employees for whom a trade union other than one of the affiliated bargaining agents holds bargaining rights. Deemed recognition of affiliated bargaining agents

2. The said Act is amended by adding thereto the following section: s. 131a,
enacted

131a.—(1) An application for certification as bargaining agent for the employees of an employer employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 may only be brought by a designated or certified employee bargaining agency on behalf of all the affiliated bargaining agents it represents, and the unit of employees that is appropriate for collective bargaining shall be those employees who would be bound by a provincial agreement. Application for certification

(2) A voluntary recognition agreement pertaining to employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 shall only be between the employer of the said employees and a designated or certified employee bargaining agency on behalf of Voluntary recognition agreement

all the affiliated bargaining agents it represents and the defined bargaining unit shall only be those employees who would be bound by a provincial agreement.

Exception

(3) Notwithstanding subsections 1 and 2, a trade union that is not represented by a designated or certified employee bargaining agency may bring an application for certification or enter into a voluntary recognition agreement on its own behalf.

s. 134 (2),
re-enacted

3. Subsection 2 of section 134 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 31, section 3, is repealed and the following substituted therefor:

Provincial
agreement
binding

(2) A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.

ss. 134a, 134b,
enacted

4. The said Act is further amended by adding thereto the following sections:

Calling of
strikes

134a.—(1) Where an employee bargaining agency desires to call or authorize a lawful strike, all of the affiliated bargaining agents it represents shall call or authorize the strike in respect of all the employees represented by all affiliated bargaining agents affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, and no affiliated bargaining agent shall call or authorize a strike of such employees except in accordance with this subsection.

Calling of
lock-outs

(2) Where an employer bargaining agency desires to call or authorize a lawful lock-out, all employers it represents shall call or authorize the lock-out in respect of all employees employed by such employers and represented by all the affiliated bargaining agents affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 and no employer shall lock out such employees except in accordance with this subsection.

Time for
ratification

134b.—(1) Where a memorandum of settlement of the terms of a provincial agreement is subject to ratification, the ratification shall take place within thirty days of the signing of the memorandum of settlement.

(2) Where ratification or rejection of a memorandum of settlement of the terms of a provincial agreement does not take place within the period of thirty days, the memorandum of settlement shall come into effect as though it had been ratified and shall constitute a provincial agreement.

Effect of
failure to
ratify within
prescribed
time

5. This Act comes into force on the 1st day of May, 1980.

Commence-
ment

6. The short title of this Act is *The Labour Relations Amendment Act, 1979*.

Short title

An Act to amend
The Labour Relations Act

1st Reading

December 11th, 1979

2nd Reading

December 18th, 1979

3rd Reading

December 19th, 1979

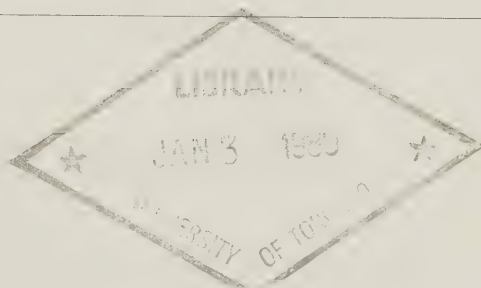
THE HON. R. G. ELGIE
Minister of Labour

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3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Children's Law Reform Act, 1977

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill adds Part IV to the Act. This new Part deals with custody of and access to children and guardianship of the property of children.

BILL 205

1979

**An Act to amend
The Children's Law Reform Act, 1977**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Children's Law Reform Act, 1977*, being chapter 41, is ^{Act} amended amended

(a) by renumbering sections 25 and 26 as sections 74 and 75; and

(b) by adding thereto the following Part:

PART IV

CUSTODY, ACCESS AND GUARDIANSHIP

25.—(1) In this Part,

Interpre-
tation

(a) "court" means a provincial court (family division), the Unified Family Court, a county or district court or the Supreme Court;

(b) "guardianship" means the authority of a guardian in respect of the real and personal property of a child;

(c) "parties" means parties to an application.

(2) A reference in this Part to a child is a reference to the ^{Child} child while a minor.

(3) For the purposes of this Part, "access" to a child includes ^{Access} the right to make reasonable inquiries and to be given information as to the health, education and welfare of the child.

CUSTODY AND ACCESS

Father and
mother
entitled to
custody

26.—(1) Except as otherwise provided in this Part, the father and the mother of a child are equally entitled to custody of the child.

Loss of
entitlement
to custody

(2) While a child habitually resides with his father or his mother, the other of them is not entitled to custody of the child, but this subsection shall not be construed to prevent the other of them from applying to a court for an order under this Part.

Idem,
exception

(3) Subsection 2 is subject to an order of a court or a separation agreement that provides otherwise.

Rights and
respon-
sibilities

(4) A person entitled to custody of a child has the rights and the responsibilities of a parent in respect of the person of the child.

Education and
moral or
religious train-
ing of child

(5) The entitlement to custody of a child includes the right to direct the education and moral or religious training of the child.

Authority
to act

(6) Where more than one person is entitled to custody of a child, any one of them may exercise the rights and accept the responsibilities of a parent on behalf of them in respect of the child.

Marriage
of child

(7) The entitlement to custody of a child terminates on the marriage of the child.

Public
policy

27.—(1) The exercise of authority in respect of the custody of children by the courts of more than one jurisdiction is declared to be against public policy and it is an intention of this Part to make provision so that courts in Ontario will refrain, except in extreme circumstances, from exercising authority in cases where the child has a stronger connection with another jurisdiction, as more particularly set out in this Part.

Order for
custody or
access

(2) Upon application, a court may make an order in respect of the custody of or access to a child.

Original order
or confirming
or superseding
order

(3) An order under subsection 2 may be an original order or an order that confirms or supersedes an order made by a tribunal outside Ontario.

Joint
custody

(4) An order under subsection 2 may grant to one or more persons custody of or access to a child.

(5) A court shall not make an order for custody of or access to a child that supersedes an order made by a tribunal outside Ontario unless there has been a material change in circumstances that affects or is likely to affect the best interests of the child. ^{Superseding order}

(6) A court shall not make an order in respect of the custody of or access to a child unless, ^{Jurisdiction}

(a) the child is habitually resident in Ontario at the commencement of the application for the order;

(b) the child is in Ontario at the commencement of the application for the order and,

(i) the court is satisfied that the child has suffered or is in imminent danger of serious harm from the person lawfully entitled to custody of the child, or

(ii) the child does not have a more real and substantial connection with another jurisdiction and there is no application for custody of or access to the child before a tribunal in the jurisdiction in which the child is habitually resident; or

(c) consent to the exercise of authority by the court is given by,

(i) the child, if the child is able to understand, or the counsel for the child if any, and

(ii) every person who is entitled to custody of or access to the child,

and the court is satisfied that the exercise of the authority will be in the best interests of the child.

(7) The jurisdiction and powers of the Supreme Court in respect of matters relating to children are subject to the rules set out in subsection 6 as to jurisdiction in matters related to the custody of or access to a child. ^{Jurisdiction of Supreme Court}

28. For the purposes of this Part, the habitual residence of a child shall be determined according to the following: ^{Habitual residence of child}

1. A child is habitually resident in the jurisdiction in which his father and his mother have their common

habitual residence or, if none, had their last common habitual residence.

2. Paragraph 1 does not apply to a child whose father and mother have both ceased to have a real and substantial connection with the jurisdiction in which they had their last common habitual residence.
3. Where any person is entitled to custody of a child under an agreement in writing or an order of a court made or recognized under this Part, paragraph 1 does not apply and the child is habitually resident in the jurisdiction in which the person habitually resides.
4. Paragraph 3 applies whether or not the child resides with the person who is entitled to custody of the child under the agreement or order.
5. A child who is not habitually resident in a jurisdiction according to paragraph 1 or 3 is habitually resident in the jurisdiction where the preponderance of evidence is located concerning the care and upbringing of the child.
6. The habitual residence of a child in a jurisdiction is not altered by the removal of the child from the jurisdiction or the withholding of the child unless,
 - (a) the removal or withholding is done by the person entitled to custody or, where more than one person is entitled to custody, by all the persons entitled to custody of the child; or
 - (b) any person entitled to custody of the child who is not a party to the removal or withholding acquiesces in the removal or withholding or unduly delays in objecting to the removal or withholding.

Merits of
application
for custody
or access

29. The merits of an application for custody of or access to a child shall be determined on the basis of the best interests of the child.

Best
interests
of child

30. In determining the best interests of a child for the purposes of an application for custody of or access to the child, or to vary, discharge or suspend an order for custody of or access to the child, a court shall consider all the circumstances of the child including,

- (a) the love, affection and emotional ties between the child and,

- (i) each person entitled to or claiming custody of or access to the child,
 - (ii) other members of the child's family who reside with the child, and
 - (iii) persons involved in the care and upbringing of the child;
- (b) the views and preferences of the child, where such views and preferences can reasonably be ascertained;
 - (c) the length of time the child has lived in a stable home environment;
 - (d) the capacity and disposition of each person applying for custody of the child to provide the child with guidance and education, the necessities of life and any special needs of the child;
 - (e) any plans proposed for the care and upbringing of the child;
 - (f) the permanence and stability of any proposed custodial home as a family unit; and
 - (g) the relationship by blood between the child and each person who is a party to the application.

31. The past conduct of a person is not relevant to a determination of an application for custody of or access to a child unless the conduct is relevant to a factor mentioned in section 30. Past conduct

32. A court that has authority to hear an application for custody of or access to a child may make an order determining any aspect of the rights and responsibilities of a parent as between persons entitled to custody of the child or as between a person entitled to custody of and a person entitled to access to the child. Application for directions

33. An application for custody of or access to a child may be made in the same proceeding and in the same manner as an application under *The Family Law Reform Act, 1978*. Joinder of proceedings
1978, c. 2

34.—(1) Where, in an application for custody of or access to a child, it appears to the court that it is necessary or desirable in the best interests of the child to have other matters first or simultaneously determined, the court may direct that the application stand over until such other proceedings are brought or determined as the court considers appropriate. Combining of applications

Qualifi-
cation

(2) Subsection 1 does not apply to permit delay in the hearing of an application beyond the period of six months mentioned in section 38.

Application
of
1978, c. 2,
s. 2 (3, 6-9),
s. 55 (1)

(3) Subsections 3 and 6 to 9 of section 2 and subsection 1 of section 55 of *The Family Law Reform Act, 1978* apply with necessary modifications to matters provided for in this Part and, for the purpose, "domestic contract" means a marriage contract, separation agreement or cohabitation agreement.

Parties

35. The parties to an application for custody of or access to a child are the father of the child, the mother of the child, a person who has demonstrated a settled intention to treat the child as a child of his or her family and any person whose presence as a party is necessary to determine the matters in issue.

Child
entitled
to be
heard

36.—(1) In considering an application for custody of or access to a child, a court shall take into consideration the views and preferences of the child to the extent that the child is able to express them.

Interview
by court

(2) The court may interview the child to determine the views and preferences of the child.

Recording

(3) The interview shall be recorded.

Child entitled
to counsel
during inter-
view

(4) The child is entitled to be advised by his counsel, if any, during the interview.

Assessment
of needs
of child

37.—(1) The court before which an application for custody of or access to a child is brought may appoint by order a person having technical or professional skill to assess and report to the court on the needs of the child and the ability and willingness of the parties or any of them to satisfy the needs of the child.

Agreement
by parties

(2) The court shall, if possible, appoint a person agreed upon by the parties, but if the parties do not agree the court shall choose and appoint the person.

Consent
to act

(3) The court shall not appoint a person under subsection 1 unless the person has consented to make the assessment and to report to the court within the period of time specified by the court.

Attendance
for
assessment

(4) In an order under subsection 1, the court may require the parties, the child, or any of them, to attend for assessment by the person appointed by the order.

Refusal
to attend

(5) Where a person ordered under this section to attend for assessment refuses to attend or to undergo the assessment, the court may draw such inferences in respect of the ability and

willingness of the person to satisfy the needs of the child as the court considers appropriate.

(6) The person appointed under subsection 1 shall file his report with the clerk or registrar of the court. Report

(7) The clerk or registrar of the court shall give a copy of the report to each of the parties and to counsel, if any, representing the child. Copies of report

(8) The report mentioned in subsection 6 is admissible in evidence in the application. Admissibility of report

(9) Any of the parties, and counsel, if any, representing the child, may, with leave of the court, require the person appointed under subsection 1 to attend as a witness at the hearing of the application. Assessor may be witness

(10) Upon motion, the court by order may give such directions in respect of the assessment as the court considers appropriate. Directions

(11) In an order under subsection 1 or 10, the court may require the parties or any of them to pay the fees and expenses, in such proportions or amounts as may be specified in the order, of the person appointed under subsection 1. Costs

(12) The appointment of a person under subsection 1 does not prevent the parties or counsel representing the child from submitting other expert evidence as to the needs of the child and the ability and willingness of the parties or any of them to satisfy the needs of the child. Other expert evidence

38.—(1) Where an application for custody of or access to a child has not been heard within six months after the date of commencement of the proceedings, the court shall require the parties and their counsel to attend and show cause why the court should not proceed to hear and dispose of the application. Delay

(2) At a show cause hearing required by subsection 1, the court by order may fix a date for the hearing of the application and may give such directions in respect of the proceedings and make such order in respect of the costs of the proceedings as the court considers appropriate. Directions

(3) Where the court fixes a date under subsection 2, the court shall fix the earliest date that, in the opinion of the court, is compatible with a just disposition of the application. Early date

39.—(1) In an order for custody of or access to a child, a court may give such directions as it considers appropriate for the super- Supervision of custody or access

vision of the custody or access by a person, a children's aid society or other body.

Consent
to act

(2) A court shall not direct a person, a children's aid society or other body to supervise custody or access as mentioned in subsection 1 unless the person, society or body has consented to act as supervisor.

Mediation

40.—(1) In an order for custody of or access to a child, a court may, on the request of the parties to the proceeding, appoint a person selected by the parties to mediate any matter specified in the order.

Consent
to act

(2) A court shall not appoint a person under subsection 1 unless the person has consented to act as mediator and to report to the court within the period of time specified by the court.

Duty of
mediator

(3) It is the duty of a mediator to confer with the parties and endeavour to obtain an agreement in respect of the matter.

Report

(4) The mediator shall file his report with the clerk or registrar of the court.

Copies of
report

(5) The clerk or registrar of the court shall give a copy of the report to each of the parties and to counsel representing the child.

Content
of report

(6) The mediator shall set out in his report the matters agreed upon by the parties and whether or not there are other matters remaining in dispute between them in the proceeding.

Admissibility

(7) Evidence in respect of matters discussed by any of the parties with the mediator is not admissible, and the report of the mediator is not admissible in evidence in any proceeding except with the consent of the parties to the proceeding in which the order was made under subsection 1.

Costs

(8) In an order under subsection 1, the court may require the parties or any of them to pay the fees and expenses of the mediator in such proportions or amounts as may be agreed upon by the parties or, failing agreement, as may be set by the court.

Official
Guardian's
report

41.—(1) Where, in a proceeding for divorce, mention is made in the petition or counter-petition of a child of the marriage under the age of eighteen years and the Official Guardian is of the opinion that an investigation and a report to the court as to the present circumstances and the proposed arrangements for the custody of, the access to and the support and education of the child ought to be made, the Official Guardian shall cause the investigation to be made and shall file the report with the court.

(2) Where the Official Guardian does not cause an investigation to be made or does not file a report under subsection 1, the court may require the Official Guardian to cause an investigation to be made and to report to the court in respect of the custody of, the access to and the support and education of the child. Idem

(3) In an application under this Part for custody of or access to a child or where custody of or access to a child is claimed in an action for annulment of a marriage, unless the court otherwise directs, the Official Guardian shall cause an investigation to be made and shall report to the court in respect of the custody of, the access to and the support and education of the child. Idem

(4) An application for custody of or access to a child under this Part shall be served on the Official Guardian. Service of application

(5) Where custody of or access to a child is claimed in an action for annulment of a marriage, the statement of claim shall be served on the Official Guardian. Service of statement of claim

(6) The Official Guardian may engage a person or body to make an investigation under this section. Agents

(7) The report of any person making the investigation, verified by the affidavit of the person, is admissible in evidence in any action, application or proceeding mentioned in this section. Admissibility of report

(8) Where the facts contained in the report are disputed, the Official Guardian or his agent shall if directed by the court, and may when not so directed, attend the trial and cause the person making the investigation to attend as a witness. Attendance at trial

(9) The person commencing any action, application or proceeding mentioned in this section shall pay such fees for and disbursements arising from an investigation in respect of the action, application or proceeding as are prescribed under *The Administration of Justice Act*. Payment of fees and disbursements
R.S.O. 1970, c. 6

(10) The Official Guardian may refuse to file his report of the investigation with the court until the fees and disbursements payable under subsection 9 have been paid, unless otherwise directed by the court. Idem

(11) The fees and disbursements of the Official Guardian payable under subsection 9 shall be deemed to be costs incurred in the action, application or proceeding for the purposes of any award as to costs by the court. Fees and disbursements deemed costs

42. Upon application, a court may make an order restraining any person from molesting, annoying or harassing the applicant or Order restraining harassment

a child in the lawful custody of the applicant and may require the respondent to enter into such recognizance, with or without sureties, or to post a monetary bond as the court considers appropriate.

Contempt
of orders of
provincial
court
(family
division)

43.—(1) In addition to its powers in respect of contempt, every provincial court (family division) may punish by fine or imprisonment, or both, any wilful contempt of or resistance to its process, rules or orders under this Part, but the fine shall not in any case exceed \$1,000 nor shall the imprisonment exceed ninety days.

Conditions
of
imprisonment

(2) An order for imprisonment under subsection 1 may be made conditional upon default in the performance of a condition set out in the order and may provide for the imprisonment to be served intermittently.

Enforcement
of order
under
R.S.O. 1970,
c. 222; 1978,
c. 2

(3) An order for custody of or access to a child made under *The Infants Act* or *The Family Law Reform Act, 1978* may be enforced under this section as if the order were made under this Part.

Enforcement of
order under
R.S.O. 1970,
c. 128

(4) Notwithstanding the repeal of *The Deserted Wives' and Children's Maintenance Act*, an order made under that Act for custody of or access to a child may be enforced under this section as if the order were made under this Part.

Order
to locate
and take
child

44.—(1) Where a court is satisfied, upon application without notice by a person entitled to custody of or access to a child, that there are reasonable and probable grounds for believing that any person is unlawfully withholding the child, the court by order may authorize the locating and taking of the child or may direct that the child be located and taken, or both, to the applicant for the order.

Person or
body named
in order

(2) An order under subsection 1 may direct that the child be taken to a specific person or body on behalf of the applicant for the order.

Duty to
act

(3) A person to whom an order is directed under subsection 1 shall do all things reasonably able to be done to locate and to take the child in accordance with the order.

Entry and
search

(4) For the purpose of locating and taking a child in accordance with an order under subsection 1, a person to whom the order is directed may enter and search any place, whether public or private, with such assistance as he may require and with such force as is reasonable in the circumstances.

Time

(5) An entry or a search referred to in subsection 4 shall be made only between sunrise and sunset unless the court, in the order, authorizes entry and search at another time.

(6) An order under subsection 1 may be directed to the sheriff or the police force, or both, having jurisdiction in any area where it appears to the court that the child may be located.

Sheriff
and
police

(7) An order under subsection 1 may authorize any person specified in the order to locate the child and to take the child to the applicant for the order.

Specified
person

45.—(1) Upon application, a court may order a person or public agency to give to the applicant all information from the records of the person or public agency as to the address of another person.

Information
as to
address

(2) A court shall make an order under subsection 1 only where the court is satisfied that the information is necessary for the purpose of a proposed application under this Part or the enforcement of an order for the custody of or access to a child.

Necessity
for
information

(3) The giving of information in accordance with an order under subsection 1 shall be deemed for all purposes not to be a contravention of any Act or regulation or any common law rule of confidentiality.

Compliance
with
order

(4) This section binds the Crown in right of Ontario.

Section
binds Crown

46.—(1) A court by order may require, as a condition to an order for custody of or access to a child, that a person entitled to custody of or access to the child shall deliver to the court or to a specified individual or body the person's passport, the child's passport and any other travel document of either or both of them that the court may specify.

Travel
documents

(2) A court shall attach a condition under subsection 1 to an order only where there are reasonable and probable grounds for believing that the person is likely to remove the child from Canada without the consent of another person who is entitled to custody of or access to the child.

Grounds
for
order

(3) A court or a specified individual or body shall hold a passport or travel document delivered in accordance with a condition under subsection 1 in safekeeping in accordance with the directions set out in the order.

Safe-
keeping

(4) In an order under subsection 1, a court may specify such directions for the purposes of subsection 3 as the court considers appropriate.

Terms
and
conditions

47.—(1) Upon application by a parent or other person entitled to custody of or access to a child, a court may order another person who proposes to remove the child temporarily from Ontario,

Order
where
child
to be
removed
from
Ontario

- (a) to transfer specific property to a named trustee to be held subject to the terms and conditions specified in the order;
- (b) where payments have been ordered for the support of the child, to make the payments to a specified trustee; or
- (c) to deposit specific security with the court or with a named trustee,

to secure the prompt, safe return of the child.

Terms
and
conditions

(2) In an order under clause *a* of subsection 1, a court may specify terms and conditions for the return or the disposition of the property.

Grounds
for
order

(3) A court may make an order under subsection 1 only where there are reasonable and probable grounds for believing that the respondent is not likely to return the child to Ontario.

Jurisdiction
of family
court

(4) A provincial court (family division) shall not make an order under subsection 1.

Confirming
order

48.—(1) A court on application shall recognize an order for the custody of or access to a child made by a tribunal outside Ontario if the court is satisfied,

- (a) that every person, other than the child, affected by the order was given reasonable notice of the commencement of the proceedings in which the order was made;
- (b) that every person, other than the child, affected by the order was given an opportunity to be heard by the tribunal before the order was made;
- (c) that in making the order the tribunal had regard for the best interests of the child;
- (d) that the order of the tribunal outside Ontario is not contrary to public policy in Ontario; and
- (e) that,
 - (i) the child was habitually resident in the jurisdiction of the tribunal,
 - (ii) the child had a real and substantial connection with the jurisdiction of the tribunal at the commencement of the proceedings in which the order was made and was not the subject of an appli-

cation for custody or access in the jurisdiction in which the child was habitually resident, or

- (iii) the habitual residence of the child cannot be determined.

(2) An order made by a tribunal outside Ontario that is recognized by a court shall be deemed to be an order of and shall be enforced by the court. Effect of confirmation of order

(3) A court presented with conflicting orders made by tribunals outside Ontario for the custody of or access to a child that, but for the conflict, would be recognized and enforced by the court under subsection 1 shall recognize and enforce the order that appears to the court to be most in accord with the best interests of the child. Conflicting orders

(4) A court that has recognized an order under subsection 1 or 3 may make such further orders under this Act as the court considers necessary to give effect to the order. Further orders

49. Where, on an application under section 48, a court is of the opinion that the exercise of jurisdiction by a tribunal outside Ontario would be more convenient, the court may decline to exercise jurisdiction except to, Balance of convenience

- (a) make such interim order in respect of the custody or access as the court considers is in the best interests of the child; or

- (b) stay the application subject to,

- (i) the condition that a party to the application promptly commence a similar proceeding before a tribunal outside Ontario,

- (ii) the condition that the parties to the application consent to a similar proceeding before a tribunal outside Ontario, or

- (iii) such other conditions as the court considers appropriate.

50.—(1) Where, on an application under section 48, a court is of the opinion that it is necessary to receive further evidence before making a decision to enforce or to supersede an order of a tribunal outside Ontario, the court may send to the Attorney General, Minister of Justice or similar officer of a jurisdiction outside Ontario such supporting material as may be necessary together with a request, Further evidence

- (a) that the Attorney General, Minister of Justice or similar officer take such action as may be necessary in order to require a named person to attend before the proper tribunal in the jurisdiction and produce or give evidence in respect of the subject-matter of the application under section 48; and
- (b) that the Attorney General, Minister of Justice or similar officer or the tribunal send to the court a certified copy of the evidence produced or given before the tribunal.

Cost of
obtaining
evidence

(2) A court that acts under subsection 1 may assess the cost of so acting against one or more of the parties to the application under section 48 or may deal with such cost as costs in the cause.

Referral
to
court

51.—(1) Where the Attorney General receives from a tribunal outside Ontario a request similar to that referred to in section 50 and such supporting material as may be necessary, it is the duty of the Attorney General to refer the request and the material to the proper court.

Obtaining
evidence

(2) A court to which a request is referred by the Attorney General under subsection 1 shall require the person named in the request to attend before the court and produce or give evidence in accordance with the request.

Order for
return to
jurisdiction

52.—(1) On an application under section 48, in addition to any other order that may be made, a court may order a party to return the child to such jurisdiction as the court considers appropriate.

Costs
and
expenses

(2) A court that makes an order under subsection 1 may also order payment of the costs of the application and of the reasonable travel and other expenses of the child and any parties to or witnesses at the hearing of the application.

Copy of
order of
tribunal

53.—(1) An application under section 48 shall be accompanied by a copy of the order to which the application relates, certified as a true copy by a judge, other presiding officer or registrar of the tribunal or by a person charged with keeping the orders of the tribunal.

True copy
as evidence

(2) A copy of an order mentioned in subsection 1 certified as a true copy as mentioned in the subsection is *prima facie* evidence of the making of the order, the content of the order and the appointment and signature of the judge, presiding officer, registrar or other person.

GUARDIANSHIP

Appointment
of guardian

54.—(1) Upon application, a court may appoint a guardian for a child.

(2) A guardian for a child has charge of and is responsible for the care and management of the property of the child. Responsibility of guardian

55.—(1) As between themselves and subject to section 56 or any agreement between them, the parents of a child with whom the child habitually resides are equally entitled to be appointed by a court as guardians for the child. Parents as guardians

(2) A person who is not a parent of a child may be appointed by a court as a guardian for the child. Other person as guardian

(3) As between a parent of a child and a person who is not a parent of the child, the parent has a preferential entitlement to be appointed by a court as a guardian for the child. Parent and other person

(4) A court may appoint more than one guardian for a child. More than one guardian

(5) Where more than one guardian is appointed for a child, the guardians are jointly responsible for the care and management of the property of the child. Guardians jointly responsible

56. A contested application to a court for the appointment of a guardian shall be decided by the court on the basis of, Criteria

- (a) the ability of the applicant to manage the property of the child;
- (b) the merits of any plans proposed by the applicant for the care and management of the property of the child; and
- (c) the views and preferences of the child, where such views and preferences can reasonably be ascertained.

57. The appointment of a guardian by a court under this Part is effective throughout Ontario and the clerk of the court may certify a copy of the appointment under the seal of the court. Certificate of appointment of guardian

58.—(1) Where a person is under a duty to pay money or deliver personal property to a child, the payment of not more than \$2,000 or the delivery of such personal property to a value of not more than \$2,000 in a year to, Payment of debt due to child

- (a) the child, if the child is married;
- (b) a parent with whom the child habitually resides; or
- (c) a person who has lawful custody of the child,

discharges the duty to the extent of the amount paid or the value of the personal property delivered.

Receipt for
payment

(2) A receipt or discharge for money or personal property not in excess of the amount or value set out in subsection 1 received for a child by a parent with whom the child habitually resides or a person who has lawful custody of the child is valid whether or not a court has appointed the parent or the person as a guardian for the child.

Responsibility
for money
or property

(3) A parent with whom a child habitually resides or a person who has lawful custody of a child and who receives and holds money or personal property referred to in subsection 1 has the responsibility of a guardian for the care and management of the money or personal property.

Accounts

59.—(1) A guardian for a child may be required to account or may voluntarily pass his accounts in respect of his care and management of the property of the child in the same manner as a trustee under a will may be required to account or may pass his accounts in respect of his trusteeship.

Appeal

(2) An appeal lies to the Court of Appeal from any order, determination or judgment of a court under subsection 1 in the same manner as an appeal in respect of the accounts of a trustee under a will.

Application
of
R.S.O. 1970,
c. 228, s. 17 (2)

(3) Subsection 2 of section 17 of *The Judicature Act* does not apply in respect of subsection 2 of this section.

Transfer of
property to
child

60. A guardian for a child shall transfer to the child all property of the child in the care of the guardian when the child attains the age of eighteen years.

Management
fees and
expenses

61. A guardian for a child is entitled to payment of a reasonable amount for his fees for and expenses of management of the property of the child.

Bond by
guardian

62.—(1) A court that appoints a guardian for a child shall require the guardian to post a monetary bond, with or without sureties, payable to the child in such amount as the court considers appropriate in respect of the care and management of the property of the child.

Where parent
appointed
guardian

(2) Subsection 1 does not apply where the court appoints a parent of a child as guardian for the child and the court is of the opinion that it is appropriate not to require the parent to post a bond.

Where child
marries

63. Upon application by a married child, a court by order shall end the guardianship for the child.

64.—(1) A guardian for a child may be removed by a court for the same reasons for which a trustee may be removed. Removal of guardian

(2) A guardian for a child, with the permission of a court, may resign his office upon such conditions as the court considers appropriate. Resignation of guardian

65.—(1) A notice of every application to a court for guardianship, for removal of a guardian, for permission to resign a guardianship or for an order ending a guardianship shall be transmitted by the registrar or clerk of the court to the Surrogate Clerk for Ontario. Notice to Surrogate Clerk for Ontario

(2) A return of every appointment or removal of a guardian, of every grant by a court of permission to resign guardianship and of every order ending a guardianship shall be made by the registrar or the clerk of the court to the Surrogate Clerk for Ontario. Return to Surrogate Clerk for Ontario

DISPOSITION OF PROPERTY

66.—(1) Upon application, the Supreme Court by order may require or approve, or both, Supreme Court order re property of child

- (a) the disposition or encumbrance of all or part of the interest of a child in land;
- (b) the sale of the interest of a child in personal property; or
- (c) the payment of all or part of any money belonging to a child or of the income from any property belonging to a child, or both.

(2) An order shall be made under subsection 1 only where the Supreme Court is of the opinion that the disposition, encumbrance, sale or payment is necessary or proper for the support or education of the child or will substantially benefit the child. Criteria

(3) An order under subsection 1 may be made subject to such conditions as the Supreme Court considers appropriate. Conditions

(4) The Supreme Court shall not require or approve a disposition or encumbrance of the interest of a child in land contrary to a term of the instrument by which the child acquired the interest. Limitation

(5) The Supreme Court, where it makes an order under subsection 1, may order that the child or another person named in the order execute any documents necessary to carry out the disposition, encumbrance, sale or payment. Execution of documents

Directions

(6) The Supreme Court by order may give such directions as it considers necessary for the carrying out of an order made under subsection 1.

Validity
of
documents

(7) Every document executed in accordance with an order under this section is as effectual as if the child by whom it was executed was eighteen years of age or, if executed by another person in accordance with the order, as if the child had executed it and had been eighteen years of age at the time.

Liability

(8) No person incurs or shall be deemed to incur liability by making a payment in accordance with an order under clause *c* of subsection 1.

Order for
maintenance
where power
of appointment
in favour of
children

67.—(1) Upon application by or with the consent of a person who has an estate for life in property with power to devise or appoint the property to one or more of his children, the Supreme Court may order that such part of the proceeds of the property as the Supreme Court considers proper be used for the support or education of one or more of the children.

Idem

(2) An order may be made under subsection 1 whether or not,

- (a) there is a gift over in the event that there are no children to take under the power; or
- (b) any person could dispose of the property in the event that there are no children to take under the power.

TESTAMENTARY CUSTODY AND GUARDIANSHIP

Custody,
appointment
by will

68.—(1) A person entitled to custody of a child may appoint by will one or more persons to have custody of the child after the death of the appointor.

Guardianship,
appointment
by will

(2) A guardian for a child may appoint by will one or more persons to be guardians for the child after the death of the appointor.

Appointment
by minor

(3) An unmarried parent who is a minor may make an appointment mentioned in subsection 1 or 2 by a written appointment signed by the parent.

Limitation

(4) An appointment under subsection 1, 2 or 3 is effective only,

- (a) if the appointor is the only person entitled to custody of the child or who is the guardian for the child, as the case requires, on the day immediately before the appointment is to take effect; or

(b) if the appointor and any other person entitled to custody of the child or who is the guardian for the child, as the case requires, die at the same time or in circumstances that render it uncertain which survived the other.

(5) Where two or more persons are appointed to have custody of or to be guardians for a child by appointors who die as mentioned in clause *b* of subsection 4, only the appointments of the persons appointed by both or all of the appointors are effective. Where more than one appointment

(6) No appointment under subsection 1, 2 or 3 is effective without the consent of the person appointed. Consent of appointee

(7) Subject to subsections 4 to 6 of this section and subsection 2 of section 27, upon application and proof of appointment a surrogate court shall make an order recognizing an appointment under subsection 1, 2 or 3. Order by surrogate court

(8) An appointment under this section does not apply to prevent an application for or the making of an order under section 27 or 54. Application or order under ss. 27, 54

GENERAL

69.—(1) A minor who is a parent or a spouse may make an application under this Part without a next friend and may respond without a guardian *ad litem*. Application by parent

(2) A consent by a parent in respect of a matter provided for by this Part is not invalid by reason only that the parent is a minor. Consent by parent who is a minor

70. Except as provided in section 27, this Part does not deprive the Supreme Court of jurisdiction in matters provided for by this Part. Jurisdiction of Supreme Court

71. Where, in a proceeding in respect of an estate, an issue arises with respect to the custody of, access to or guardianship of the property of a child, a surrogate court may exercise the jurisdiction of a court under this Part. Surrogate court

72.—(1) Except where specific provision is made in this Part, a court may make such interim order in respect of any matter under this Part as is appropriate. Interim order

(2) A court may at any time vary, discharge or suspend an order or an interim order made under this Part and may give such directions as are ancillary thereto. Variation, discharge or suspension of order

(3) An application under subsection 1 or 2 may be made to a court that has made an order in the proceedings or to a co-ordinate court in another part of Ontario. Jurisdiction

Basis
for order

(4) The merits of an application under subsection 2 shall be determined on the basis of the best interests of the child and any material change in the circumstances of any party to the application.

Application re
order under
R.S.O. 1970,
c. 222;
1978, c. 2

(5) Subsection 2 applies in respect of an order for custody of or access to a child made under *The Infants Act* or *The Family Law Reform Act, 1978* as if the order were made under this Part.

Application re
order under
R.S.O. 1970,
c. 128

(6) Notwithstanding the repeal of *The Deserted Wives' and Children's Maintenance Act*, subsection 2 applies in respect of an order made under that Act for custody of or access to a child as if the order were made under this Part.

Appeal
from
provincial
court
(family
division)

73.—(1) An appeal lies from an order of the provincial court (family division) under this Part to the county or district court in the county or district in which the provincial court (family division) is situated.

Order
effective
pending
appeal

(2) An order for custody or access is effective notwithstanding that an appeal is taken from the order, unless the court that made the order or the court to which the appeal is taken orders otherwise.

COMPLEMENTARY AMENDMENTS

1978, c. 2,
s. 26 (1) (b),
amended

2.—(1) Clause *b* of subsection 1 of section 26 of *The Family Law Reform Act, 1978*, being chapter 2, is amended by striking out “custody or access” in the second line.

s. 35,
re-enacted

(2) Section 35 of the said Act is repealed and the following substituted therefor:

Joinder of
actions
1977, c. 41

35. An application for custody or access under *The Children's Law Reform Act, 1977* may be joined with an application under this Act, but the court may direct that an application for support stand over until an application for custody has been determined.

R.S.O. 1970,
c. 222,
repealed

3.—(1) *The Infants Act*, being chapter 222 of the Revised Statutes of Ontario, 1970, is repealed.

1971, c. 98,
Sched.,
par. 14,
repealed

(2) Paragraph 14 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, is repealed.

1977, c. 41,
s. 18,
repealed

(3) Section 18 of *The Children's Law Reform Act, 1977*, being chapter 41, is repealed.

Application
of subs. 1
to proceeding
already
commenced

(4) Where an application is made under *The Infants Act* before subsection 1 comes into force and no evidence has been heard in the proceeding before subsection 1 comes into force, other

than in respect of an interim order, the application shall be deemed to be an application under *The Children's Law Reform Act, 1977* subject to such directions as the court considers appropriate.

- (5) Where an application referred to in subsection 4 is commenced in a surrogate court, the county or district court that has jurisdiction or, in the Judicial District of Hamilton-Wentworth, the Unified Family Court may order that the proceeding be removed to such county or district court or to the Unified Family Court, as the case may be, subject to such directions as the court considers appropriate. Where proceeding in surrogate court
- 4.—(1) Subsections 1 to 5 and 7 to 11 of section 6 of *The Matrimonial Causes Act*, being chapter 265 of the Revised Statutes of Ontario, 1970, and section 1 of *The Matrimonial Causes Amendment Act, 1972*, being chapter 50, are repealed. R.S.O. 1970, c. 265, s. 6 (1-5, 7-11); 1972, c. 50, s. 1, repealed
- (2) Section 11 of the said Act is amended by striking out "*Divorce Act (Ontario)* (Canada)" in the first and second lines and inserting in lieu thereof "*Annulment of Marriages Act (Ontario)* (Canada)". s. 11, amended
5. The Schedule to *The Unified Family Court Act, 1976*, being chapter 85, as re-enacted by the Statutes of Ontario, 1977, chapter 4, section 6, is amended by adding thereto the following: 1976, c. 85, Sched., amended
- "The Children's Law Reform Act, 1977* All"
6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement
7. The short title of this Act is *The Children's Law Reform Amendment Act, 1979*. Short title

An Act to amend
The Children's Law Reform Act, 1977

1st Reading

December 14th, 1979

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

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BILL 206

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

Project for the Ministry

An Act to amend The Regional Municipality of York Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTE

The Bill confers on the Regional Corporation responsibility for providing facilities for the disposal of waste within the Regional Area and prohibits any area municipality or local board thereof or any person from providing such facilities within the Regional Area without the consent of the Regional Council. Other provisions govern the acquisition by the Regional Corporation of existing area municipality waste disposal facilities and other matters relating to the assumption of this responsibility by the Regional Corporation.

BILL 206

1979

An Act to amend The Regional Municipality of York Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 166 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 117, section 19, is repealed and the following substituted therefor: s. 166,
re-enacted

166.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpre-
tation

(2) On and after the day this section comes into force, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no such facilities shall be provided in the Regional Area by any area municipality, any local board thereof, or any other person whomsoever, without the consent of the Regional Council and such consent may be on such terms and conditions as the Regional Council may prescribe including the payment of such compensation as may be agreed upon. Waste
disposal

(3) For the purposes of subsection 2, the Regional Corporation may, Powers of
Regional
Corporation

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of a province, any agency of either of them, an area, regional or metropolitan municipality, or a local board thereof, or any other person for such purposes;

- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land; and
- (e) provide standards and regulations for vehicles, or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

Vesting of
property in
Regional
Corporation

(4) The Regional Council may pass one or more by-laws to assume as regional waste disposal works any or all such solid waste disposal sites, works, facilities and equipment vested in any area municipality, and upon the passing of any such by-law, the sites, works, facilities and equipment specified therein shall vest in the Regional Corporation.

Payment of
outstanding
debt

(5) The Regional Corporation shall pay to the corporation of any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the real or personal property assumed by the Regional Corporation under subsection 4.

Interest on
late
payment

(6) If the Regional Corporation fails to make any payment required by subsection 5 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Approval of
acquisition
of land,
etc.

(7) No consent shall be given under subsection 2, no land shall be acquired and no facility shall be operated under subsection 3 and no by-law shall be passed under subsection 4 without,

- (a) the approval of the area municipality in which the land is situate, which approval may be granted upon such terms and conditions including the payment of such compensation as may be agreed upon; or
- (b) failing such approval or agreement, the approval of the Municipal Board.

Approval of
O.M.B.

(8) The Municipal Board, before giving its approval under clause *b* of subsection 7, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition of giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the acquisition or use of such land as to the Board may appear necessary or expedient.

(9) For the purposes of this section, the Regional Council shall, by by-law, prescribe rates or charges for the use of its disposal facilities. How cost to be borne

(10) When, in the opinion of the Regional Council, land has been used for solid waste disposal and is no longer required by the Regional Corporation for such purpose, the Regional Corporation shall not dispose of such land without first offering such land to the area municipality within which it is located for nominal consideration upon such terms and conditions as the Regional Council may prescribe. Disposal of sites

(11) A by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* does not apply to the Regional Corporation. Non-application of by-laws under R.S.O. 1970, c. 284, s. 354 (1), par. 116

(12) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law. Routes

(13) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Regional Municipality of York Amendment Act, 1979*. Short title

An Act to amend
The Regional Municipality of York Act

1st Reading

December 18th, 1979

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide
Protection for the Buyers of Homes

MR. ISAACS



EXPLANATORY NOTE

The purpose of the Bill is to require a seller of a home to provide to a person who has signed an agreement of purchase and sale certain information about the home and the surrounding community. This information consists of a variety of matters such as a description of restricted area by-laws and official plan designations that may affect the home and an assessment of the availability of school facilities and public transit services in the surrounding community. The Bill provides the buyer of the home with a right to rescind the agreement of purchase and sale within two days of receiving the information. The Bill also provides that the agreement is not binding until the required information is provided to the buyer.

BILL 207

1979

An Act to provide Protection for the Buyers of Homes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “buyer” means a person who signs an agreement of purchase and sale for the purchase of a home but does not include a partnership, a corporation or any person who buys in the course of carrying on business;
- (b) “home” means any premises or any part thereof used or intended to be used for residential purposes and includes any lands appurtenant thereto but does not include any lands which are used for purposes other than residential purposes;
- (c) “seller” means a person who signs an agreement of purchase and sale for the sale of a home and includes his agent.

2.—(1) A seller or an agent of the seller shall furnish to the buyer of a home, as soon as possible after an agreement of purchase and sale is executed, the following information:

Information
to be
provided
to buyer

- 1. A description or diagram indicating the nature and effect of any restricted area by-law affecting the land on which the home is situated.
- 2. A description or diagram indicating the nature and effect of any official plan designation affecting the land on which the home is situated.
- 3. A description of the type of water supply available to the home.
- 4. A description of the type of sewage disposal facilities available to the home.

5. A description of any flooding or other inundation by water known by the seller to have affected the home.
6. A description of the type and location of any storm drainage facilities that are located within 100 metres of the land on which the home is situated.
7. A description of existing schools located within a convenient distance from the home including a description of the location of the schools and an assessment of the capacity of the schools to enroll children who may live in the home and a description of any plans that the local school board may have to build new schools within one kilometre of the home.
8. A description of the nature and location of any proposed commercial or industrial facilities to be built within one kilometre of the home including any facilities that are authorized by a restricted area by-law or for which a building permit has been issued.
9. A description of the public transit services available within one kilometre of the home.

Prescribed
form

(2) The information required by subsection 1 shall be provided in a form prescribed by the Minister of Consumer and Commercial Relations.

Certificate
of
analysis

(3) Where the water supply available to the home is other than a municipal water supply, the information required by paragraph 3 of subsection 1 shall be accompanied by a certificate of analysis of the water supply provided by a municipal, provincial or designated laboratory.

Adequacy of
sewage
disposal
facilities

(4) Unless the sewage disposal facilities available to the home are municipal sewers, the information required by paragraph 4 of subsection 1 shall be accompanied by an assessment of the adequacy of the facilities prepared by an inspector designated by the local health department or by the Ministry of the Environment.

Certificate

(5) Where the home is located in a municipality, the information required by paragraphs 5, 6, 8 and 9 of subsection 1 shall be certified as correct by an officer of the municipality designated for the purpose by the municipal council.

Idem

(6) The information required by paragraph 7 of subsection 1 shall be certified as correct by an officer of the local school authority designated for the purpose by that authority.

3.—(1) A municipal council, local school authority or local health department may, by resolution, designate officers or inspectors for the purposes of section 2. Designation

(2) The Minister of the Environment may designate laboratories and inspectors for the purposes of section 2. Idem

4. The Minister of Consumer and Commercial Relations may prescribe forms for the purposes of sections 2 and 5. Forms

5. A buyer may waive his rights to receive information required by this Act where the buyer signs a waiver in the prescribed form, which form shall consist of a notice of waiver printed in red ink and in letters not less than five millimetres in height. Waiver

6.—(1) An agreement of purchase and sale is not binding upon the buyer until the information required by section 2 has been provided to the buyer unless the buyer has signed a waiver referred to in section 5. Agreement not binding

(2) The buyer may, within two days from the day on which the information required by subsection 2 comes into the possession of the buyer, rescind the agreement of purchase and sale by delivering a notice of rescission in writing to the seller and the buyer is not liable for damages in respect of such rescission. Rescission

(3) Where a buyer rescinds an agreement under subsection 1, the seller shall return any moneys received from the buyer or any other person in respect of the agreement. Duty upon rescission

7. A seller who fails to provide a buyer with the information required by section 2, unless the buyer has signed a waiver under section 5, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence

8. This Act comes into force on the 1st day of January, 1981. Commencement

9. The short title of this Act is *The Home Buyers' Protection Act, 1979*. Short title

BILL 207

An Act to provide
Protection for the Buyers of Homes

1st Reading

December 18th, 1979

2nd Reading

3rd Reading

MR. ISACS

(Private Member's Bill)

LA 20N
XB
- B56

BILL 208

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Farm Products Marketing Act

MR. RIDDELL



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to prohibit unfair practices in the marketing of farm products in Ontario. These unfair practices include the arrangement of price advantages in the form of rebates, discounts or allowances between some sellers of a farm product and some buyers of the farm product to the exclusion of other buyers and sellers of the same product. The effect of these practices is to work hardship upon the buyers and sellers who are excluded from these arrangements and eventually to reduce the level of competition in the market for the farm product.

Provision is made in the Bill for orders for compliance, assurances of voluntary compliance and enforcement of orders and assurances.

BILL 208

1979

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part: Part II
(ss. 22-37),
enacted

PART II

UNFAIR FARM PRODUCT MARKETING PRACTICES

23. In this Part,

Interpre-
tation

- (a) "buyer" means a person who buys in the course of carrying on business and does not include a consumer;
- (b) "farm product" has the same meaning as in section 1 but does not include wool, tobacco and wood.

24. The purpose of this Part is to promote fair farm product marketing practices amongst persons engaged in the producing, marketing, processing or retailing of farm products. Purpose

25. No person carrying on business in Ontario shall engage in an unfair farm product marketing practice. Prohibition

26.—(1) For the purposes of this Part, the following shall be deemed to be unfair farm product marketing practices: Unfair farm
product
marketing
practices

1. The requirement by a buyer of a farm product, as a condition of doing business, that a seller of the farm product grant or offer to the buyer a marketing advantage in the nature of a discount, rebate, allowance or price concession over and above any discount, rebate, allowance or price concession made available at the

same time to other buyers who offer to purchase the farm product under substantially the same terms and conditions of sale and delivery.

2. The granting or offering by a seller of a farm product of a marketing advantage in the nature of a discount, rebate, allowance or price concession to a buyer of the farm product over and above any discount, rebate, allowance or price concession made available at the same time to other buyers who offer to purchase the same farm product under substantially the same terms and conditions of sale and delivery.
3. The requirement by a buyer of a farm product, as a condition of doing business, that a seller of the farm product grant or offer to the buyer a marketing advantage in the nature of a discount, rebate, allowance or price concession as consideration for services provided by the buyer to the seller where the cost of the services provided by the buyer does not approximately equal the value of the marketing advantage granted or offered by the seller.
4. The granting or offering by a seller of a farm product to a buyer of the farm product of a marketing advantage in the nature of a discount, rebate, allowance or price concession as consideration for services provided by the buyer to the seller where the seller has reason to believe that the cost of the services provided by the buyer to the seller do not approximately equal the value of the marketing advantage granted or offered by the seller.

Justified
price
differences

(2) For the purposes of this Part, where a seller of farm products sells or offers to sell farm products of like quality and quantity at the same time at different prices, the seller does not engage in an unfair farm product marketing practice if differences in the price of the farm product are attributable to,

- (a) differences in the cost of producing, processing or marketing the farm product;
- (b) a necessity to offer the farm product at a low price to a buyer in order to match an equally low price offered to the buyer by a competitor of the seller.

Construction

(3) This Part shall not be construed to prohibit the establishment of price differences from time to time arising in response to changed conditions affecting the market for or the marketability of a farm product including,

- (a) the actual or imminent deterioration of a perishable farm product;
- (b) the sale of a farm product by order of a court;
- (c) the sale of a farm product upon the winding up, bankruptcy or discontinuance of a business.

(4) This Part shall not be construed to prohibit a co-operative association, credit union, caisse populaire or co-operative credit society from returning to its members, suppliers or customers the whole or any part of the net surplus made in its operations in proportion to the acquisition or supply of farm products from or to such members, suppliers or customers. Idem

27. The Board shall appoint one of its officers to act as a Director for the purposes of this Part. Director

28.—(7) Where the Director believes on reasonable and probable grounds that any person is engaging or has engaged in an unfair farm product marketing practice, the Director shall order such person to comply with section 25 in respect of the unfair practice specified in the order. Order to cease unfair practice

(2) Where the Director proposes to make an order under subsection 1, he shall serve notice of his proposal on each person to be named in the order together with reasons therefor. Notice of proposal

(3) A notice under subsection 2 shall inform each person to be named in the order that he is entitled to a hearing by the Board if he mails or delivers within fifteen days after the notice under subsection 2 is served on him notice in writing to the Board that he wishes a hearing. Request for hearing

(4) Where a person upon whom a notice is served under subsection 2 does not require a hearing by the Board in accordance with subsection 3, the Director may carry out the proposal stated in the notice. Failure to request hearing

(5) Where a person requires a hearing by the Board in accordance with subsection 3, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Part and for such purposes the Board may substitute its opinion for that of the Director. Hearing

(6) The Board may attach such terms and conditions to its order as it considers proper to give effect to the purpose of this Part. Conditions

Parties

(7) The Director and the person who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this section.

Stay

29. Where an appeal is taken from an order of the Board made under section 28, the order takes effect immediately but the Board may grant a stay until the disposition of the appeal.

Assurance of
voluntary
compliance

30.—(1) Any person against whom the Director proposes to make an order to comply with section 25 may enter into a written assurance of voluntary compliance in the prescribed form undertaking to not engage in the specified unfair farm product marketing practice after the date thereof.

Assurance
deemed order

(2) Where an assurance of voluntary compliance is accepted by the Director, the assurance has and shall be given for all purposes of this Part the force and effect of an order made by the Director.

Investigation
by
order of
Minister

1971, c. 49

31. The Minister may by order appoint a person to make an investigation into any matter to which this Part applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the power of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Inquiry by order
of the Director

32. The Director may, by order, appoint a person to make an inquiry into any matter to which this Part applies as may be specified in the Director's order and the person appointed shall report the result of his inquiry to the Director.

Investigation by
director

33.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person is contravening or is about to contravene any of the provisions of this Part or an order or assurance of voluntary compliance made or given pursuant to this Part, the Director may by order appoint one or more persons to make an investigation as to whether such a contravention of the Part, order or assurance of voluntary compliance has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the business premises of such person

and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

- (b) inquire into the transactions, business affairs, management and practices that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. 1971, c. 49

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Obstruction of investigator

(4) Where a provincial judge is satisfied upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. Search warrant

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. Removal of books, etc.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Admissibility of copies

Appointment of
experts

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Report

(8) Where, upon the report of an investigation made under subsection 1, it appears to the Director that a person may have contravened any of the provisions of this Part, the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

Matters
confidential

34.—(1) Every person employed in the administration of this Part, including any person making an inquiry, inspection or an investigation under section 31 or 32 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Part or any proceedings under this Part;
- (b) to his counsel or to the court in any proceeding under this Part;
- (c) to inform a person involved of an unfair farm product marketing practice and of any information relevant to the person's rights under this Act; or
- (d) with the consent of the person to whom the information relates.

Testimony in
civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Part.

Certificate of
Director as
evidence

35. A copy of an order or assurance of voluntary compliance purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations

36. The Lieutenant Governor in Council may make regulations.

- (a) requiring persons engaging in the business of marketing farm products to make such returns and furnish such information to the Director as is prescribed;

- (b) requiring any information required or permitted to be furnished to the Director or contained in any form or return to be verified by affidavit;
- (c) prescribing forms for the purposes of this Part and providing for their use.

37.—(1) Every person who knowingly,

Offences

- (a) furnishes false information in an investigation under this Part;
- (b) fails to comply with an order or assurance of voluntary compliance made or entered into under this Act; or
- (c) obstructs a person making an investigation under section 31 or 32,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Every person who engages in an unfair farm product marketing practice knowing it to be an unfair practice is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Idem

(3) Where a corporation is convicted of an offence under subsection 1 or 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(4) Where a corporation has been convicted of an offence under subsection 1 or 2, Directors and officers

- (a) each director of the corporation; and
- (b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

(5) Each day that a person engages in an unfair marketing practice knowing it to be unfair or fails to comply with an order or assurance of voluntary compliance made or entered into under this Act or otherwise contravenes any provision of this Act constitutes a separate offence. Continued offences

Monthly report

38.—(1) The Director shall make a written report each month to the Minister on the enforcement of this Part and on such other matters related to this Part as the Director considers advisable or the Minister may require and the report shall set out,

- (a) the names of all persons who entered into assurances of voluntary compliance with the Director during the previous month and a description of the unfair farm product marketing practice that is the subject-matter of each assurance;
- (b) the names of all persons against whom orders to cease engaging in an unfair farm product marketing practice, other than orders in respect of which hearings or appeals are pending, were made during the previous month and a description of the unfair farm product marketing practice that is the subject-matter of each order;
- (c) the number and nature of complaints received by the Director during the previous month respecting unfair farm product marketing practices together with an indication of the action taken on these complaints;
- (d) the names of all persons who are or who have been the subjects of inquiries or investigations initiated by the Director or the Minister during the previous month and a statement of the disposition of any inquiry or investigation completed during the month;
- (e) the names of all persons convicted of offences under this Part during the previous month including a description of the offence for which each person was convicted and the penalty imposed,

and the report shall be made available to the public.

Annual report

(2) The Director shall, within sixty days after the close of each calendar year, make a report to the Minister on the enforcement of this Part during the calendar year and on such other matters related to this Part as the Director considers advisable or the Minister may require, and the report shall set out,

- (a) the information required by clauses *a* to *e* of subsection 1, compiled on the basis of the calendar year instead of the previous month;
- (b) any recommendations of amendments to this Part that the Director considers advisable, including any additional unfair farm product marketing practices that, in the opinion of the Director, should be set out in subsection 1 of section 26,

and the Minister shall lay the report before the Assembly if it is in session or, if not, at the commencement of the next ensuing session.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Farm Products Marketing Amendment Act, 1979*. Short title

BILL 208

An Act to amend
The Farm Products Marketing Act

1st Reading

December 19th, 1979

2nd Reading

3rd Reading

MR. RUDDELL

(Private Member's Bill)

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17 BILL 209

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Workmen's Compensation Act

THE HON. R. G. ELGIE
Minister of Labour



EXPLANATORY NOTES

SECTION 1.—Subsection 1. Section 36 (1) sets out a scale of compensation to be paid where an injury results in death. The proposed amendments increase the amounts payable under section 36 (1) as follows:

1. Under clause *a*, the burial allowance is increased from \$800 to \$1,000.
2. Payments to a dependent widow or widower are increased from \$365 per month to \$372 effective the 1st day of July, 1978 and to \$410 effective the 1st day of July, 1979.
3. Where the dependent widow or widower has one or more children, the additional monthly payment for each child under the age of sixteen years is increased from \$99 per month to \$101 effective the 1st day of July, 1978 and to \$112 effective the 1st day of July, 1979. The amount payable to a child upon the death of the widow or widower is increased by the amounts set out in paragraph 4.
4. The payments for dependent children under the age of sixteen years are increased from \$113 per month to \$115 effective the 1st day of July, 1978 and to \$127 effective the 1st day of July, 1979.

BILL 209

1979

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses *a*, *c*, *d*, *e* and *f* of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 1, are repealed and the following substituted therefor:

s. 36 (1) (*a*, *c*,
d, *e*, *f*),
re-enacted

- (a) the necessary expenses of the burial or cremation of the employee, not exceeding \$1,000;

.

- (c) where the widow or widower is the sole dependant, a monthly payment of,

(i) \$372, effective the 1st day of July, 1978, and

(ii) \$410, effective the 1st day of July, 1979;

- (d) where the dependants are a widow or a widower and one or more children, a monthly payment of,

(i) \$372 with an additional monthly payment of \$101 to be increased upon the death of the widow or widower to \$115 for each child under the age of sixteen years, effective the 1st day of July, 1978, and

(ii) \$410 with an additional monthly payment of \$112 to be increased upon the death of the widow or widower to \$127 for each child under the age of sixteen years, effective the 1st day of July, 1979;

(*e*) where the dependants are children, for each child under the age of sixteen years, a monthly payment of,

(i) \$115, effective the 1st day of July, 1978, and

(ii) \$127, effective the 1st day of July, 1979;

(*f*) where there are dependants other than those mentioned in clauses *c*, *d* and *e*, and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole,

(i) \$372 a month effective the 1st day of July, 1978, and

(ii) \$410 a month effective the 1st day of July, 1979.

Application

(2) Clause *a* of subsection 1 of section 36 of the said Act, as re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1979.

Idem

(3) Clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsection 1 of this section, apply to payments accruing after the effective dates but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates.

Idem

(4) The amounts payable under clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsection 1 of this section, do not apply to a lump sum award or to payments due prior to the effective dates.

s. 36 (7),
re-enacted

2.—(1) Subsection 7 of the said section 36, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 2, is repealed and the following substituted therefor:

Payment of
lump sum

(7) In addition to any other compensation provided for, the widow or widower, or where the employee leaves no widow or widower, the person described in subsection 6, is entitled to a lump sum of \$1,000.

Application

(2) Subsection 7 of section 36 of the said Act, as re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1979.

s. 41a,
re-enacted

3. Section 41a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 47, section 5, is repealed and the following substituted therefor:

Subsections 2, 3, 4. Self-explanatory.

SECTION 2.—Subsection 1. The lump sum payment under section 36 (7) of the Act is increased from \$800 to \$1,000.

Subsection 2. Self-explanatory.

SECTION 3. The proposed re-enactment of section 41a permits a 10 per cent adjustment in the rate of compensation of an employee who is not working and who has continuously received temporary disability benefits for the immediately preceding twelve months.

SECTION 4. The amounts payable for permanent disability under section 42 of the Act are increased by the percentages set out in the proposed subsections 8, 9 and 10 of section 42. The proposed subsection 11 has the same effect as the present subsection 9.

41a.—(1) Where the employee is not working and is in receipt of temporary disability benefits and has continuously received temporary disability benefits for the immediately preceding twelve months, the Board may adjust the rate of compensation being paid by adding thereto an additional 10 per cent of the compensation rate being paid but the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 44.

Adjustment
of rate of
compensation
for temporary
disability
benefits

(2) Subsection 1 applies to payments accruing on and after the 1st day of July, 1979, but nothing therein entitles any person to claim additional compensation for any period prior to the day next following the end of the twelve-month period referred to in subsection 1 and nothing therein entitles any person to more than one adjustment to his rate of compensation under subsection 1.

Application

4. Subsection 8, as enacted by the Statutes of Ontario, 1974, chapter 70, section 3, subsections 8a and 8b, as enacted by the Statutes of Ontario, 1975, chapter 47, section 6, subsection 8c, as enacted by the Statutes of Ontario, 1978, chapter 54, section 3, subsection 9, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 3, and subsection 10, as enacted by the Statutes of Ontario, 1975, chapter 47, section 6, of section 42 of the said Act, are repealed and the following substituted therefor:

s. 42 (8-10),
re-enacted

(8) The amounts payable under this section shall be increased where the injury occurred on or before the 31st day of December, 1977, by adding thereto a factor of 2 per cent effective the 1st day of July, 1978.

Increase in
payments

(9) The amounts payable under this section shall be increased where the injury occurred during the period commencing the 1st day of January, 1978, and ending the 30th day of June, 1978, by adding thereto a factor of 8 per cent effective the 1st day of July, 1978.

Idem

(10) The amounts payable under this section shall be increased where the injury occurred on or before the 30th day of June, 1979, by adding thereto a factor of 10 per cent effective the 1st day of July, 1979, but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 1 of section 44 effective on the 1st day of July, 1979, for amounts accruing on and after the 1st day of July, 1979.

Idem

(11) Subsections 8, 9 and 10 do not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection 4, an award under subsection 6 or an award under clause b of section 43.

Non-applica-
tion of
subss. (4, 6,
8-10),
s. 43 (b)

s. 43,
re-enacted

5.—(1) Section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 4, is repealed and the following substituted therefor:

Minimum
amount of
compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured employee is entitled shall not be less than,

(a) for temporary total disability,

- (i) \$117 a week where his average earnings were not less than \$117 a week for the period from the 1st day of July, 1978 to and including the 30th day of June, 1979,
- (ii) the amount of his earnings where his average earnings were less than \$117 a week for the period referred to in subclause i,
- (iii) \$129 a week where his average earnings were not less than \$129 a week, from the 1st day of July, 1979, and
- (iv) the amount of his earnings where his average earnings are less than \$129 a week from the 1st day of July, 1979,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,

(i) for permanent total disability,

- 1. \$519 a month for the period from the 1st day of July, 1978, to and including the 30th day of June, 1979, and
- 2. \$571 a month from the 1st day of July, 1979, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause i in accordance with the impairment of earning capacity; or

SECTION 5.—Subsection 1. The minimum amount of compensation payable for temporary total disability is increased from \$115 per week to \$117 for the period from the 1st day of July, 1978 to the 30th day of June, 1979 and to \$129 a week from the 1st day of July, 1979 where the average earnings of the injured employee were not less than \$117 and \$129 respectively.

The minimum amount payable for permanent total disability is increased from \$509 per month to \$519 for the period from the 1st day of July, 1978 to the 30th day of June, 1979 and to \$571 from the 1st day of July, 1979.

Subsections 2, 3, 4. Self-explanatory.

SECTION 6.—Subsection 1. The earnings ceiling is increased from \$16,200 to \$18,500.

Subsection 2. Self-explanatory.

SECTION 7.—Subsection 1. The allowance for the repair and replacement of clothing worn or damaged by a lower limb prosthesis or back brace is increased from \$219 to \$240 and by an upper limb prosthesis from \$110 to \$120.

(c) alternatively to subclause i of clause *b*, for permanent total disability the benefits which would have been payable from time to time under clauses *c*, *d* and *e* of subsection 1 of section 36 and under section 38, as if he had died from the injury.

(2) Subclauses i and ii of clause *a* of section 43 of the said Act, as re-enacted by subsection 1 of this section, apply to accidents occurring on and after the 1st day of July, 1978 and prior to the 1st day of July, 1979, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978. ^{Application}

(3) Subclauses iii and iv of clause *a* of the said section 43, as re-enacted by subsection 1 of this section, apply to accidents occurring on and after the 1st day of July, 1979, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1979. ^{Idem}

(4) Clauses *b* and *c* of the said section 43, as re-enacted by subsection 1 of this section, apply to payments accruing on and after the 1st day of July, 1978, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978. ^{Idem}

6.—(1) Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1975, chapter 47, section 10 and 1978, chapter 54, section 5, is further amended by striking out “\$16,200” in the amendment of 1978 and inserting in lieu thereof “\$18,500”. ^{s. 44 (1), amended}

(2) Subsection 1 of section 44 of the said Act, as amended by subsection 1 of this section, applies to accidents occurring on and after the 1st day of July, 1979, and to benefits arising under subsection 1 of section 41*a* and subsection 10 of section 42 of the Act, as re-enacted by sections 4 and 5 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 4 of section 42, or to an award made under subsection 6 of section 42, or to an award under clause *b* of section 43 of the Act, and nothing in subsection 1 of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1979. ^{Application}

7.—(1) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 6, is repealed and the following substituted therefor: ^{s. 51 (3) (b), re-enacted}

(b) on application, an allowance not exceeding \$240 per annum for the replacement or repair of clothing worn or

damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$120 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

.

Application

- (2) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by subsection 1 of this section, applies to payments accruing on and after the 1st day of July, 1979, but nothing therein entitles any person to claim additional payment for any period before the 1st day of July, 1979.

Commence-
ment

- 8.** This Act comes into force on the day it receives Royal Assent.

Short title

- 9.** The short title of this Act is *The Workmen's Compensation Amendment Act, 1979*.

Subsection 2. Self-explanatory.

An Act to amend
The Workmen's Compensation Act

1st Reading

December 19th, 1979

2nd Reading

3rd Reading

THE HON. R. G. ELGIE
Minister of Labour

(Government Bill)

A 27M
XB
B 56

Publications

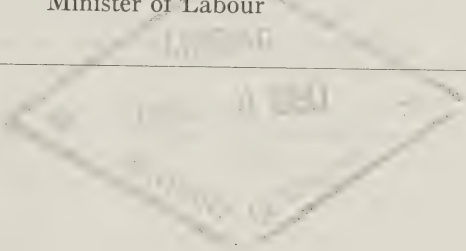
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Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Workmen's Compensation Act

THE HON. R. G. ELGIE
Minister of Labour



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1.—Subsection 1. Section 36 (1) sets out a scale of compensation to be paid where an injury results in death. The proposed amendments increase the amounts payable under section 36 (1) as follows:

1. Under clause *a*, the burial allowance is increased from \$800 to \$1,000.
2. Payments to a dependent widow or widower are increased from \$365 per month to \$372 effective the 1st day of July, 1978 and to \$410 effective the 1st day of July, 1979.
3. Where the dependent widow or widower has one or more children, the additional monthly payment for each child under the age of sixteen years is increased from \$99 per month to \$101 effective the 1st day of July, 1978 and to \$112 effective the 1st day of July, 1979. The amount payable to a child upon the death of the widow or widower is increased by the amounts set out in paragraph 4.
4. The payments for dependent children under the age of sixteen years are increased from \$113 per month to \$115 effective the 1st day of July, 1978 and to \$127 effective the 1st day of July, 1979.

BILL 209

1979

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses *a, c, d, e* and *f* of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 1, are repealed and the following substituted therefor:

(a) the necessary expenses of the burial or cremation of the employee, not exceeding \$1,000;

.

(c) where the widow or widower is the sole dependant, a monthly payment of,

(i) \$372, effective the 1st day of July, 1978, and

(ii) \$410, effective the 1st day of July, 1979;

(d) where the dependants are a widow or a widower and one or more children, a monthly payment of,

(i) \$372 with an additional monthly payment of \$101 to be increased upon the death of the widow or widower to \$115 for each child under the age of sixteen years, effective the 1st day of July, 1978, and

(ii) \$410 with an additional monthly payment of \$112 to be increased upon the death of the widow or widower to \$127 for each child under the age of sixteen years, effective the 1st day of July, 1979;

(*e*) where the dependants are children, for each child under the age of sixteen years, a monthly payment of,

(i) \$115, effective the 1st day of July, 1978, and

(ii) \$127, effective the 1st day of July, 1979;

(*f*) where there are dependants other than those mentioned in clauses *c*, *d* and *e*, and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole,

(i) \$372 a month effective the 1st day of July, 1978, and

(ii) \$410 a month effective the 1st day of July, 1979.

Application

(2) Clause *a* of subsection 1 of section 36 of the said Act, as re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1979.

Idem

(3) Clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsection 1 of this section, apply to payments accruing after the effective dates but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates.

Idem

(4) The amounts payable under clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsection 1 of this section, do not apply to a lump sum award or to payments due prior to the effective dates.

s. 36 (7),
re-enacted

2.—(1) Subsection 7 of the said section 36, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 2, is repealed and the following substituted therefor:

Payment of
lump sum

(7) In addition to any other compensation provided for, the widow or widower, or where the employee leaves no widow or widower, the person described in subsection 6, is entitled to a lump sum of \$1,000.

Application

(2) Subsection 7 of section 36 of the said Act, as re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1979.

s. 41*a*,
re-enacted

3. Section 41*a* of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 47, section 5, is repealed and the following substituted therefor:

Subsections 2, 3, 4. Self-explanatory.

SECTION 2.—Subsection 1. The lump sum payment under section 36 (7) of the Act is increased from \$800 to \$1,000.

Subsection 2. Self-explanatory.

SECTION 3. The proposed re-enactment of section 41*a* permits a 10 per cent adjustment in the rate of compensation of an employee who is not working and who has continuously received temporary disability benefits for the immediately preceding twelve months.

SECTION 4. The amounts payable for permanent disability under section 42 of the Act are increased by the percentages set out in the proposed subsections 8, 9 and 10 of section 42. The proposed subsection 11 has the same effect as the present subsection 9.

41a.—(1) Where the employee is not working and is in receipt of temporary disability benefits and has continuously received temporary disability benefits for the immediately preceding twelve months, the Board shall adjust the rate of compensation being paid by adding thereto an additional 10 per cent of the compensation rate being paid but the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 44.

Adjustment
of rate of
compensation
for temporary
disability
benefits

(2) Subsection 1 applies to payments accruing on and after the 1st day of July, 1979, but nothing therein entitles any person to claim additional compensation for any period prior to the day next following the end of the twelve-month period referred to in subsection 1 and nothing therein entitles any person to more than one adjustment to his rate of compensation under subsection 1.

Application

4. Subsection 8, as enacted by the Statutes of Ontario, 1974, chapter 70, section 3, subsections 8a and 8b, as enacted by the Statutes of Ontario, 1975, chapter 47, section 6, subsection 8c, as enacted by the Statutes of Ontario, 1978, chapter 54, section 3, subsection 9, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 3, and subsection 10, as enacted by the Statutes of Ontario, 1975, chapter 47, section 6, of section 42 of the said Act, are repealed and the following substituted therefor:

s. 42 (8-10),
re-enacted

(8) The amounts payable under this section shall be increased where the injury occurred on or before the 31st day of December, 1977, by adding thereto a factor of 2 per cent effective the 1st day of July, 1978.

Increase in
payments

(9) The amounts payable under this section shall be increased where the injury occurred during the period commencing the 1st day of January, 1978, and ending the 30th day of June, 1978, by adding thereto a factor of 8 per cent effective the 1st day of July, 1978.

Idem

(10) The amounts payable under this section shall be increased where the injury occurred on or before the 30th day of June, 1979, by adding thereto a factor of 10 per cent effective the 1st day of July, 1979, but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 1 of section 44 effective on the 1st day of July, 1979, for amounts accruing on and after the 1st day of July, 1979.

Idem

(11) Subsections 8, 9 and 10 do not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection 4, an award under subsection 6 or an award under clause b of section 43.

Non-applica-
tion of
subss. (4, 6,
8-10),
s. 43 (b)

s. 43,
re-enacted

- 5.—(1) Section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 4, is repealed and the following substituted therefor:

Minimum
amount of
compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured employee is entitled shall not be less than,

(a) for temporary total disability,

- (i) \$117 a week where his average earnings were not less than \$117 a week for the period from the 1st day of July, 1978 to and including the 30th day of June, 1979,
- (ii) the amount of his earnings where his average earnings were less than \$117 a week for the period referred to in subclause i,
- (iii) \$129 a week where his average earnings were not less than \$129 a week, from the 1st day of July, 1979, and
- (iv) the amount of his earnings where his average earnings are less than \$129 a week from the 1st day of July, 1979,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,

(i) for permanent total disability,

1. \$519 a month for the period from the 1st day of July, 1978, to and including the 30th day of June, 1979, and
2. \$571 a month from the 1st day of July, 1979, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause i in accordance with the impairment of earning capacity; or

SECTION 5.—Subsection 1. The minimum amount of compensation payable for temporary total disability is increased from \$115 per week to \$117 for the period from the 1st day of July, 1978 to the 30th day of June, 1979 and to \$129 a week from the 1st day of July, 1979 where the average earnings of the injured employee were not less than \$117 and \$129 respectively.

The minimum amount payable for permanent total disability is increased from \$509 per month to \$519 for the period from the 1st day of July, 1978 to the 30th day of June, 1979 and to \$571 from the 1st day of July, 1979.

Subsections 2, 3, 4. Self-explanatory.

SECTION 6.—Subsection 1. The earnings ceiling is increased from \$16,200 to \$18,500.

Subsection 2. Self-explanatory.

SECTION 7.—Subsection 1. The allowance for the repair and replacement of clothing worn or damaged by a lower limb prosthesis or back brace is increased from \$219 to \$240 and by an upper limb prosthesis from \$110 to \$120.

- (c) alternatively to subclause i of clause *b*, for permanent total disability the benefits which would have been payable from time to time under clauses *c*, *d* and *e* of subsection 1 of section 36 and under section 38, as if he had died from the injury.
- (2) Subclauses i and ii of clause *a* of section 43 of the said Act, as re-enacted by subsection 1 of this section, apply to accidents occurring on and after the 1st day of July, 1978 and prior to the 1st day of July, 1979, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978. ^{Application}
- (3) Subclauses iii and iv of clause *a* of the said section 43, as re-enacted by subsection 1 of this section, apply to accidents occurring on and after the 1st day of July, 1979, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1979. ^{Idem}
- (4) Clauses *b* and *c* of the said section 43, as re-enacted by subsection 1 of this section, apply to payments accruing on and after the 1st day of July, 1978, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978. ^{Idem}
- 6.—**(1) Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1975, chapter 47, section 10 and 1978, chapter 54, section 5, is further amended by striking out “\$16,200” in the amendment of 1978 and inserting in lieu thereof “\$18,500”. ^{s. 44 (1), amended}
- (2) Subsection 1 of section 44 of the said Act, as amended by subsection 1 of this section, applies to accidents occurring on and after the 1st day of July, 1979, and to benefits arising under subsection 1 of section 41*a* and subsection 10 of section 42 of the Act, as re-enacted by sections 4 and 5 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 4 of section 42, or to an award made under subsection 6 of section 42, or to an award under clause *b* of section 43 of the Act, and nothing in subsection 1 of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1979. ^{Application}
- 7.—**(1) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 6, is repealed and the following substituted therefor: ^{s. 51 (3) (b), re-enacted}
- (b) on application, an allowance not exceeding \$240 per annum for the replacement or repair of clothing worn or

damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$120 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

Application

- (2) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by subsection 1 of this section, applies to payments accruing on and after the 1st day of July, 1979, but nothing therein entitles any person to claim additional payment for any period before the 1st day of July, 1979.

Commence-
ment

- 8.** This Act comes into force on the day it receives Royal Assent.

Short title

- 9.** The short title of this Act is *The Workmen's Compensation Amendment Act, 1979*.

Subsection 2. Self-explanatory.

An Act to amend
The Workmen's Compensation Act

1st Reading

December 19th, 1979

2nd Reading

December 20th, 1979

3rd Reading

THE HON. R. G. ELGIE
Minister of Labour

*(Reprinted as amended by the
Committee of the Whole House)*

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BILL 209

Government
Publications

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Workmen's Compensation Act

THE HON. R. G. ELGIE
Minister of Labour



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 209

1979

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses *a, c, d, e* and *f* of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 1, are repealed and the following substituted therefor:

- (a) the necessary expenses of the burial or cremation of the employee, not exceeding \$1,000;

.

- (c) where the widow or widower is the sole dependant, a monthly payment of,

- (i) \$372, effective the 1st day of July, 1978, and

- (ii) \$410, effective the 1st day of July, 1979;

- (d) where the dependants are a widow or a widower and one or more children, a monthly payment of,

- (i) \$372 with an additional monthly payment of \$101 to be increased upon the death of the widow or widower to \$115 for each child under the age of sixteen years, effective the 1st day of July, 1978, and

- (ii) \$410 with an additional monthly payment of \$112 to be increased upon the death of the widow or widower to \$127 for each child under the age of sixteen years, effective the 1st day of July, 1979;

(*e*) where the dependants are children, for each child under the age of sixteen years, a monthly payment of,

(i) \$115, effective the 1st day of July, 1978, and

(ii) \$127, effective the 1st day of July, 1979;

(*f*) where there are dependants other than those mentioned in clauses *c*, *d* and *e*, and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole,

(i) \$372 a month effective the 1st day of July, 1978, and

(ii) \$410 a month effective the 1st day of July, 1979.

Application

(2) Clause *a* of subsection 1 of section 36 of the said Act, as re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1979.

Idem

(3) Clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsection 1 of this section, apply to payments accruing after the effective dates but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates.

Idem

(4) The amounts payable under clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsection 1 of this section, do not apply to a lump sum award or to payments due prior to the effective dates.

s. 36 (7),
re-enacted

2.—(1) Subsection 7 of the said section 36, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 2, is repealed and the following substituted therefor:

Payment of
lump sum

(7) In addition to any other compensation provided for, the widow or widower, or where the employee leaves no widow or widower, the person described in subsection 6, is entitled to a lump sum of \$1,000.

Application

(2) Subsection 7 of section 36 of the said Act, as re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1979.

s. 41*a*,
re-enacted

3. Section 41*a* of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 47, section 5, is repealed and the following substituted therefor:

41*a*.—(1) Where the employee is not working and is in receipt of temporary disability benefits and has continuously received temporary disability benefits for the immediately preceding twelve months, the Board shall adjust the rate of compensation being paid by adding thereto an additional 10 per cent of the compensation rate being paid but the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 44.

Adjustment
of rate of
compensation
for temporary
disability
benefits

(2) Subsection 1 applies to payments accruing on and after the 1st day of July, 1979, but nothing therein entitles any person to claim additional compensation for any period prior to the day next following the end of the twelve-month period referred to in subsection 1 and nothing therein entitles any person to more than one adjustment to his rate of compensation under subsection 1.

Application

4. Subsection 8, as enacted by the Statutes of Ontario, 1974, chapter 70, section 3, subsections 8*a* and 8*b*, as enacted by the Statutes of Ontario, 1975, chapter 47, section 6, subsection 8*c*, as enacted by the Statutes of Ontario, 1978, chapter 54, section 3, subsection 9, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 3, and subsection 10, as enacted by the Statutes of Ontario, 1975, chapter 47, section 6, of section 42 of the said Act, are repealed and the following substituted therefor:

s. 42 (8-10),
re-enacted

(8) The amounts payable under this section shall be increased where the injury occurred on or before the 31st day of December, 1977, by adding thereto a factor of 2 per cent effective the 1st day of July, 1978.

Increase in
payments

(9) The amounts payable under this section shall be increased where the injury occurred during the period commencing the 1st day of January, 1978, and ending the 30th day of June, 1978, by adding thereto a factor of 8 per cent effective the 1st day of July, 1978.

Idem

(10) The amounts payable under this section shall be increased where the injury occurred on or before the 30th day of June, 1979, by adding thereto a factor of 10 per cent effective the 1st day of July, 1979, but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 1 of section 44 effective on the 1st day of July, 1979, for amounts accruing on and after the 1st day of July, 1979.

Idem

(11) Subsections 8, 9 and 10 do not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection 4, an award under subsection 6 or an award under clause *b* of section 43.

Non-applica-
tion of
subss. (4, 6,
8-10),
s. 43 (b)

s. 43.
re-enacted

5.—(1) Section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 4, is repealed and the following substituted therefor:

Minimum
amount of
compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured employee is entitled shall not be less than,

(a) for temporary total disability,

- (i) \$117 a week where his average earnings were not less than \$117 a week for the period from the 1st day of July, 1978 to and including the 30th day of June, 1979,
- (ii) the amount of his earnings where his average earnings were less than \$117 a week for the period referred to in subclause i,
- (iii) \$129 a week where his average earnings were not less than \$129 a week, from the 1st day of July, 1979, and
- (iv) the amount of his earnings where his average earnings are less than \$129 a week from the 1st day of July, 1979,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,

(i) for permanent total disability,

- 1. \$519 a month for the period from the 1st day of July, 1978, to and including the 30th day of June, 1979, and
- 2. \$571 a month from the 1st day of July, 1979, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause i in accordance with the impairment of earning capacity; or

(c) alternatively to subclause i of clause *b*, for permanent total disability the benefits which would have been payable from time to time under clauses *c*, *d* and *e* of subsection 1 of section 36 and under section 38, as if he had died from the injury.

(2) Subclauses i and ii of clause *a* of section 43 of the said Act, as re-enacted by subsection 1 of this section, apply to accidents occurring on and after the 1st day of July, 1978 and prior to the 1st day of July, 1979, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978. Application

(3) Subclauses iii and iv of clause *a* of the said section 43, as re-enacted by subsection 1 of this section, apply to accidents occurring on and after the 1st day of July, 1979, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1979. Idem

(4) Clauses *b* and *c* of the said section 43, as re-enacted by subsection 1 of this section, apply to payments accruing on and after the 1st day of July, 1978, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978. Idem

6.—(1) Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1975, chapter 47, section 10 and 1978, chapter 54, section 5, is further amended by striking out “\$16,200” in the amendment of 1978 and inserting in lieu thereof “\$18,500”. s. 44 (1),
amended

(2) Subsection 1 of section 44 of the said Act, as amended by subsection 1 of this section, applies to accidents occurring on and after the 1st day of July, 1979, and to benefits arising under subsection 1 of section 41*a* and subsection 10 of section 42 of the Act, as re-enacted by sections 4 and 5 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 4 of section 42, or to an award made under subsection 6 of section 42, or to an award under clause *b* of section 43 of the Act, and nothing in subsection 1 of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1979. Application

7.—(1) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 6, is repealed and the following substituted therefor: s. 51 (3) (b),
re-enacted

(b) on application, an allowance not exceeding \$240 per annum for the replacement or repair of clothing worn or

damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$120 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

.

Application

(2) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by subsection 1 of this section, applies to payments accruing on and after the 1st day of July, 1979, but nothing therein entitles any person to claim additional payment for any period before the 1st day of July, 1979.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is *The Workmen's Compensation Amendment Act, 1979*.

An Act to amend
The Workmen's Compensation Act

1st Reading

December 19th, 1979

2nd Reading

December 20th, 1979

3rd Reading

December 20th, 1979

THE HON. R. G. ELGIE
Minister of Labour

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Publications

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BILL 210

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

by Hon. J. L. ...

**An Act to provide a Procedure for
Reviewing Citizens' Complaints concerning
Police Conduct in The Municipality of Metropolitan Toronto**

MR. WARNER



EXPLANATORY NOTE

The purpose of the Bill is to provide a procedure for reviewing citizens' complaints concerning police conduct in The Municipality of Metropolitan Toronto. The Bill places every police officer under a duty to exercise his authority as a police officer in a manner consistent with the diligent performance of his duties and respectful of the rights, liberties, inherent dignity and reputation of every citizen. Complaints concerning police conduct are to be dealt with by a Registrar of Citizens' Complaints and a Citizens' Complaints Tribunal appointed by the Metropolitan Council of The Municipality of Metropolitan Toronto. The Bill provides for mediation concerning a dispute or for the hearing of a complaint by the Citizens' Complaints Tribunal. After holding a hearing under the Act, the Tribunal will report its findings to the Police Chief, the Metropolitan Board of Commissioners of Police and the Metropolitan Council.

BILL 210

1979

**An Act to provide a Procedure for Reviewing
Citizens' Complaints concerning Police
Conduct in The Municipality of
Metropolitan Toronto**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "complaint" means an allegation of misconduct on the part of a police officer;
- (b) "Metropolitan Council" means the council of The Municipality of Metropolitan Toronto;
- (c) "Registrar" means the Registrar of Citizens' Complaints appointed under this Act;
- (d) "respondent" means a police officer against whom a complaint is made under this Act;
- (e) "Tribunal" means the Citizens' Complaints Tribunal established under this Act.

2. It is the duty of every police officer to exercise his authority as a police officer in a manner consistent with the diligent performance of his duties and respectful of the rights, liberties, inherent dignity and reputation of every citizen.

Duty of
police
officer

3. It is the right of every police officer that his reputation and career be unaffected by frivolous, vexatious or unjustified complaints and that he not be subject to more than one prosecution arising from a complaint made against him.

Right of
police
officer

4.—(1) The Metropolitan Council shall appoint a Registrar of Citizens' Complaints as the chief administrative officer of the Citizens' Complaints Tribunal to exercise the powers and perform the duties assigned to him by this Act.

Registrar of
Citizens'
Complaints

Duties (2) The Registrar, subject to the direction of the Tribunal, shall,

(a) maintain records of complaints received by the Tribunal; and

(b) where the Tribunal considers it appropriate, use his good offices to settle complaints.

Citizens' Complaints Tribunal

5.—(1) The Citizens' Complaints Tribunal is hereby established and shall consist of not fewer than three persons of indisputable integrity and acknowledged impartiality appointed from amongst the residents of The Municipality of Metropolitan Toronto by the Metropolitan Council.

Chairman, vice-chairman

(2) The Metropolitan Council shall designate one of the members of the Tribunal as chairman and one or more of the members as vice-chairman.

Term

(3) The members of the Tribunal shall be appointed to hold office for a term not exceeding two years and may be reappointed for further successive terms not exceeding two years each.

Staff

(4) Subject to the approval of the Metropolitan Council, the Tribunal may appoint such officers, inspectors and employees and retain such assistance as is considered necessary.

Duties

6.—(1) The Tribunal shall receive, investigate, hear and determine complaints and, where it considers it advisable, make recommendations concerning such complaints to the Chief of Police, the Metropolitan Board of Commissioners of Police and the Metropolitan Council.

Co-operation with the Tribunal

(2) Every police officer, the Chief of Police and the members of the Metropolitan Board of Commissioners of Police shall co-operate with the Tribunal to the fullest possible extent and shall make every reasonable effort to comply with requests from the Tribunal for assistance or information.

Appointment of investigators

7.—(1) The Registrar may select from amongst the members of police forces in Ontario one or more persons to assist the Tribunal in making investigations under this Act, but each such appointment shall be for a period not exceeding two years.

Powers on investigation

(2) For the purpose of an investigation, the Tribunal, or a person appointed under subsection 1, may inquire into and examine the conduct of a police officer in respect of whom a complaint is made and may,

(a) enter at any reasonable time the premises of such police officer, not including any premises or part thereof

occupied as living accommodation, and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

- (b) enter the premises of the police force and carry out therein any investigation he or it is authorized to make,

and for the purposes of the investigation, the Tribunal and the person making the investigation have the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. 1971, c. 49

- (3) No person shall obstruct the Tribunal or a person appointed to make an investigation or withhold or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Obstruction

8.—(1) Where a citizen is of the opinion that a police officer has breached the duty referred to in section 2, the citizen may file a complaint with the Tribunal setting out the details of the complaint and the identification of the police officer against whom the complaint is made. Complaint

(2) Where a citizen makes a complaint concerning the conduct of a police officer to the Chief of Police or the Metropolitan Board of Commissioners of Police, the Chief of Police or the Board shall forward the complaint, including the details thereof, to the Registrar. Complaints made to Chief of Police or Board

(3) Upon receiving a complaint under subsection 1 or 2, the Registrar of the Tribunal shall forthwith send a copy of the complaint to the police officer against whom the complaint is made and the police officer shall file a written response to the complaint within three days of receiving notification from the Registrar. Notification of police officer

(4) Where the Registrar is of the opinion that the complaint can be settled by informal discussion with the complainant and the respondent, the Registrar shall, subject to the direction of the Tribunal, attempt to mediate in respect of the complaint, and may, where it appears advisable, convene a meeting between the complainant and the respondent for the purpose of discussing and settling the complaint. Mediation

9.—(1) The complainant or the respondent is entitled to a hearing by the Tribunal if he mails or delivers a notice to the Registrar requiring a hearing and he may so require a hearing. Hearing

- Parties (2) The complainant, the respondent, the Chief of Police, the chairman of the Metropolitan Board of Commissioners of Police and such other persons as the Tribunal may specify are parties to a hearing before the Tribunal.
- Application of 1971, c. 47 (3) The provisions of Part I of *The Statutory Powers Procedure Act, 1971* apply with necessary modifications to the Tribunal as if the Tribunal were a tribunal exercising a statutory power of decision.
- Withdrawal, dismissal of complaint 10. The complainant, respondent, Chief of Police or the Metropolitan Board of Commissioners of Police may apply to the Tribunal to have a complaint withdrawn or dismissed but the Tribunal shall not dismiss a complaint or permit a complaint to be withdrawn unless a hearing has been held in respect of the complaint.
- Report 11. Upon completion of a hearing under this Act, the Tribunal shall report thereon to the Chief of Police, the Metropolitan Board of Commissioners of Police and the Metropolitan Council and shall include in the report a summary of the evidence presented to the Tribunal and the conclusions and recommendations of the Tribunal.
- Stay R.S.C. 1970, c. C-34 12. Where a police officer is charged with an offence under the *Criminal Code* (Canada) arising from an incident in respect of which a complaint has been made under this Act, all proceedings under this Act are stayed until the charge or any appeal from a conviction or acquittal of the offence charged has been finally disposed of.
- Annual report 13. The Tribunal, after the close of each year, shall submit to the Metropolitan Council an annual report upon the affairs of the Tribunal.
- Commencement 14. This Act comes into force on the day it receives Royal Assent.
- Short title 15. The short title of this Act is *The Citizens' Complaints Procedure Act, 1979*.

An Act to provide a Procedure for Reviewing
Citizens' Complaints concerning Police
Conduct in The Municipality of Metropolitan
Toronto

1st Reading

December 19th, 1979

2nd Reading

3rd Reading

MR. WARNER

(Private Member's Bill)

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Government
Bill

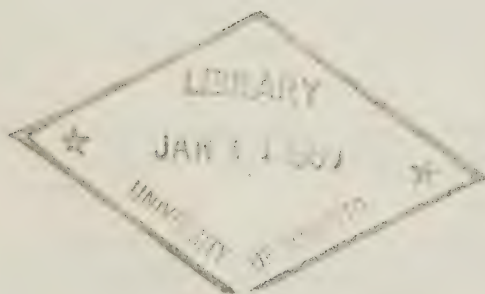
BILL 211

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide for an Ombudsman to investigate
Administrative Decisions and Acts of Officials of
Municipal Governments and Their Agencies

MR. ISAACS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for a Municipal Ombudsman to investigate administrative decisions and acts of officials of municipal governments and their agencies. The Municipal Ombudsman is to be appointed by the Lieutenant Governor in Council on the address of the Assembly for a term of five years. The Bill provides that, upon completion of an investigation, a Municipal Ombudsman may report his opinion on a matter together with any recommendations to the municipal government concerned. If the municipal government takes no action on the report within a reasonable period of time, the Municipal Ombudsman may send a copy of the report to the Minister of Intergovernmental Affairs who, in turn, shall refer the report to a committee to make recommendations on the matter to the Minister. The Bill requires the Municipal Ombudsman to make an annual report to the Speaker.

BILL 211

1979

**An Act to provide for an Ombudsman to
investigate Administrative Decisions and
Acts of Officials of Municipal Govern-
ments and Their Agencies**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, “municipal government” includes a municipal council, an agency established by a municipal council and any officer thereof. Interpre-
tation

2. There shall be appointed, as an officer of the Legislature, a Municipal Ombudsman to exercise the powers and perform the duties prescribed by this Act. Municipal
Ombudsman

3. The Municipal Ombudsman shall be appointed by the Lieutenant Governor in Council on the address of the Assembly. Appointment

4.—(1) Subject to this Act, the Municipal Ombudsman shall hold office for a term of five years, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly. Tenure of
office and
removal

(2) The Municipal Ombudsman may be reappointed for a further term or terms but shall retire upon attaining the age of sixty-five years. Reappoint-
ment and
retirement

5.—(1) The Municipal Ombudsman shall devote himself exclusively to the duties of his office and shall not hold any other office under the Crown or engage in any other employment. Nature of
employment

(2) *The Public Service Act* and *The Public Service Superannuation Act* do not apply to the Municipal Ombudsman. Idem
R.S.O. 1970,
cc. 386, 387

6. In the event of the death or resignation of the Municipal Ombudsman while the Legislature is not in session or if he is unable or neglects to perform the functions of his office, the Temporary
Ombudsman

Lieutenant Governor in Council may appoint a temporary Municipal Ombudsman, to hold office for a term of not more than six months, who shall, while in such office, have the powers and duties and perform the functions of the Municipal Ombudsman and shall be paid such salary or other remuneration and expenses as the Lieutenant Governor in Council may fix.

Staff

7. Subject to the approval of the Lieutenant Governor in Council, the Municipal Ombudsman may employ such officers and other employees as the Municipal Ombudsman considers necessary for the efficient operation of his office.

Annual
report

8. The Municipal Ombudsman shall report annually upon the affairs of his office to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Oath of
office and
secrecy

9.—(1) Before commencing the duties of his office, the Municipal Ombudsman shall take an oath, to be administered by the Speaker of the Assembly, that he will faithfully and impartially exercise the functions of his office and that he will not, except in accordance with subsection 2, disclose any information received by him as Municipal Ombudsman.

Disclosure

(2) The Municipal Ombudsman may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Function of
Municipal
Ombudsman

10.—(1) The function of the Municipal Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of any municipal government and affecting any person or body of persons in his or its personal capacity.

Investiga-
tion on
complaint

(2) The Municipal Ombudsman may make any such investigation on a complaint made to him by any person affected or by any member of the Assembly, or by any member of a municipal council to whom a complaint is made by any person affected, or of his own motion.

Powers
paramount

(3) The powers conferred on the Municipal Ombudsman by this Act may be exercised notwithstanding any provision in any Act to the effect that any such decision, recommendation, act or omission is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

Decisions not
reviewable

(4) Nothing in this Act empowers the Municipal Ombudsman to investigate any decision, recommendation, act or omission,

- (a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired;
- (b) of any person acting as legal adviser to the Crown or acting as counsel to the Crown in relation to any proceedings.

(5) If any question arises whether the Municipal Ombudsman has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Application to
S.C.O. to
determine
jurisdiction

11.—(1) The Assembly may make general rules for the guidance of the Municipal Ombudsman in the exercise of his functions under this Act.

Guidance
rules

(2) All rules made under this section shall be deemed to be regulations within the meaning of *The Regulations Act*.

Idem
R.S.O. 1970,
c. 410

(3) Subject to this Act and any rules made under this section, the Municipal Ombudsman may determine his procedures.

Procedures

12. Every complaint to the Municipal Ombudsman shall be made in writing.

Complaint
in writing

13.—(1) If, in the course of the investigation of any complaint within his jurisdiction, it appears to the Municipal Ombudsman,

Municipal
Ombudsman
may refuse to
investigate
complaint

- (a) that under the law or existing administrative practice there is an adequate remedy for the complainant, whether or not he has availed himself of it; or
- (b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Municipal Ombudsman by this Act, the Municipal Ombudsman may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Municipal Ombudsman, or, if in his opinion,

Idem

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

Complainant
to be
informed

(3) In any case where the Municipal Ombudsman decides not to investigate or further investigate a complaint he shall inform the complainant in writing of that decision, and may if he thinks fit state his reasons therefor.

Proceedings
of Municipal
Ombudsman

14.—(1) Before investigating any matter, the Municipal Ombudsman shall inform the head and chief administrative officer of the municipality involved of his intention to make the investigation.

Investigation
to be in
private

(2) Every investigation by the Municipal Ombudsman under this Act shall be conducted in private.

Where
hearing
necessary

(3) The Municipal Ombudsman may hear or obtain information from such persons as he thinks fit, and may make such inquiries as he thinks fit and it is not necessary for the Municipal Ombudsman to hold any hearing and no person is entitled as of right to be heard by the Municipal Ombudsman, but, if at any time during the course of an investigation, it appears to the Municipal Ombudsman that there may be sufficient grounds for his making any report or recommendation that may adversely affect any municipal government or person, he shall give to that government or person an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel.

May consult
municipal
officials

(4) The Municipal Ombudsman may, in his discretion, at any time during or after any investigation, consult any appointed or elected municipal official who is concerned in the matter of the investigation.

Duty to
consult

(5) In any case where an investigation relates to a recommendation made to a municipal government, the Municipal Ombudsman shall consult that municipal government after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 16.

Breach of
duty or
misconduct

(6) If, during or after an investigation, the Municipal Ombudsman is of opinion that there is evidence of a breach of duty or of misconduct on the part of any officer or employee of any municipal government, he may refer the matter to the appropriate authority.

15.—(1) The Municipal Ombudsman may, from time to time, Evidence require any officer, employee or member of any municipal government who in his opinion is able to give any information relating to any matter that is being investigated by the Municipal Ombudsman to furnish to him any such information, and to produce any documents or things which in the Municipal Ombudsman's opinion relate to any such matter and which may be in the possession or under the control of that person.

(2) The Municipal Ombudsman may summon before him and Examination under oath examine on oath,

- (a) any complainant;
- (b) any person who is an officer or employee or member of any municipal government and who, in the Municipal Ombudsman's opinion, is able to give any information mentioned in subsection 1; or
- (c) any other person who, in the Municipal Ombudsman's opinion, is able to give any information mentioned in subsection 1,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by the provisions of any Act, other than *The Public Service Act*, to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Municipal Ombudsman in relation to that matter, or to produce to the Municipal Ombudsman any document or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure. Secrecy R.S.O. 1970, c. 386

(4) With the previous consent in writing of any complainant, Idem any person to whom subsection 3 applies may be required by the Municipal Ombudsman to supply information or answer any question or produce any document or thing relating only to the complainant, and it is the duty of the person to comply with that requirement.

(5) Every person has the same privileges in relation to the giving of information, the answering of questions, and the production of documents and things as witnesses have in any court. Privileges

(6) Except on the trial of any person for perjury in respect of his sworn testimony, no statement made or answer given by that or Protection

any other person in the course of any inquiry by or any proceedings before the Municipal Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Municipal Ombudsman shall be given against any person.

Idem under
R.S.C. 1970,
c. E-10

(7) A person giving a statement or answer in the course of any inquiry or proceeding before the Municipal Ombudsman shall be informed by the Municipal Ombudsman of his right to object to answer any question under section 5 of the *Evidence Act* (Canada).

Prosecution

(8) No person is liable to prosecution for an offence against any Act, other than this Act, by reason of his compliance with any requirement of the Municipal Ombudsman under this section.

Fees

(9) Where any person is required by the Municipal Ombudsman to attend before him for the purposes of this section, the person is entitled to the same fees, allowances, and expenses as if he were a witness in the Supreme Court, and the provisions of any Act, regulation or rule in that behalf apply accordingly.

Procedure
after
investi-
gation

16.—(1) This section applies in every case where, after making an investigation under this Act, the Municipal Ombudsman is of opinion that the decision, recommendation, act or omission which was the subject-matter of the investigation,

- (a) appears to have been contrary to law;
- (b) appears to have been contrary to a by-law of the municipal government;
- (c) appears to have exceeded the authority of the municipal government;
- (d) was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory;
- (e) was based wholly or partly on a mistake of law or fact; or
- (f) was wrong.

Idem

(2) This section also applies to any case where the Municipal Ombudsman is of opinion that in the making of the decision or recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant

considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Municipal Ombudsman is of opinion,

Ombudsman's
report and
recommendations

- (a) that the matter should be referred to the appropriate authority for further consideration;
- (b) that the omission should be rectified;
- (c) that the decision or recommendation should be cancelled or varied;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;
- (f) that any by-law on which the decision, recommendation, act or omission was based should be reconsidered;
- (g) that reasons should have been given for the decision or recommendation; or
- (h) that any other steps should be taken,

the Municipal Ombudsman shall report his opinion, and his reasons therefor, to the appropriate municipal government, and may make such recommendations as he thinks fit and he may request the municipal government to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations.

(4) If within a reasonable time after the report is made no action is taken which seems to the Municipal Ombudsman to be adequate and appropriate, the Municipal Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of any municipal government affected, may send a copy of the report and recommendations to the Minister of Intergovernmental Affairs.

Where no
appropriate
action taken

(5) The Municipal Ombudsman shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the municipal government affected.

Idem

(6) The Minister of Intergovernmental Affairs shall refer any report which he receives pursuant to subsection 4 to a committee,

Committee

to be composed of three members of the Assembly appointed by the Speaker and three persons appointed from among the officers of all the municipalities by the Minister and the committee shall recommend to the Minister any action it considers appropriate in the circumstances.

Complainant
to be
informed of
result of
investigation

17.—(1) Where, on any investigation following a complaint, the Municipal Ombudsman makes a recommendation under subsection 3 of section 16, and no action which seems to the Municipal Ombudsman to be adequate and appropriate is taken thereon within a reasonable time, the Municipal Ombudsman shall inform the complainant of his recommendation, and may make such comments on the matter as he thinks fit.

Idem

(2) The Municipal Ombudsman shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Proceedings
not to be
questioned or
to be subject
to review

18. No proceeding of the Municipal Ombudsman shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Municipal Ombudsman is liable to be challenged, reviewed, quashed or called in question in any court.

Proceedings
privileged

19.—(1) No proceedings lie against the Municipal Ombudsman, or against any person holding any office or appointment under the Municipal Ombudsman, for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Idem

(2) The Municipal Ombudsman, and any such person as aforesaid, shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Idem

(3) Anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by or proceedings before the Municipal Ombudsman under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Delegation
of powers

20.—(1) The Municipal Ombudsman may, in writing, delegate to any person holding any office under him any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Delegation
is revocable

(2) Every delegation under this section is revocable at will and no such delegation prevents the exercise by the Municipal Ombudsman of any power so delegated.

(3) Every such delegation may be made subject to such restrictions and conditions as the Municipal Ombudsman thinks fit. Restrictions and conditions

(4) In the event that the Municipal Ombudsman by whom any such delegation is made ceases to hold office, the delegation continues in effect so long as the delegate continues in office or until revoked by a succeeding Municipal Ombudsman. Continuing effect of delegation

(5) Any person purporting to exercise any power of the Municipal Ombudsman by virtue of a delegation under this section shall, when required so to do, produce evidence of his authority to exercise the power. Evidence of delegation

21. Every person who, Offence

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Municipal Ombudsman or any other person in the performance of his functions under this Act; or
- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Municipal Ombudsman or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Municipal Ombudsman or any other person in the exercise of his functions under this Act,

is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both.

22. The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure. Rights under Act do not affect other rights

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

24. The short title of this Act is *The Municipal Ombudsman Act, 1979*. Short title

An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of Municipal Governments and Their Agencies

1st Reading

December 20th, 1979

2nd Reading

3rd Reading

MR. ISAACS

(Private Member's Bill)

LA20N
XB
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3
BILL 212

Government
Publications

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979 *Feb 9*

An Act for granting to Her Majesty certain sums of money for
the Public Service for the fiscal year ending the 31st day of
March, 1980

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics



BILL 212

1979

**An Act for granting to Her Majesty certain
sums of money for the Public Service for the
fiscal year ending the 31st day of March, 1980**

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1980; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$13,675,551,800 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1979, to the 31st day of March, 1980, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based. \$13,675,551,800
granted for
fiscal year
1979-80

(2) Where, in the fiscal year ending the 31st day of March, 1980, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred. Exception

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty. Accounting
for
expenditure

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Supply Act, 1979*.

SCHEDULE

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant			
Governor	127,000		127,000
Office of the Premier	1,639,400		1,639,400
Cabinet Office	1,255,000		1,255,000
Management Board	98,746,500		98,746,500
Government Services	271,774,800		271,774,800
Intergovernmental Affairs	548,114,000		548,114,000
Northern Affairs	141,707,000		141,707,000
Revenue	190,605,300		190,605,300
Treasury and Economics	23,057,300	165,000,000	188,057,300
Office of the Assembly	19,095,400		19,095,400
Office of the Provincial Auditor	2,360,000		2,360,000
Office of the Ombudsman	4,172,000		4,172,000
Justice Policy	736,400		736,400
Attorney General	148,419,000		148,419,000
Consumer and Commercial			
Relations	63,907,000		63,907,000
Correctional Services	131,426,100		131,426,100
Solicitor General	174,481,900		174,481,900
Resources Development Policy	3,696,300		3,696,300
Agriculture and Food	169,338,200		169,338,200
Energy	15,405,000		15,405,000
Environment	283,289,200		283,289,200
Housing	268,334,000		268,334,000
Industry and Tourism	64,621,100		64,621,100
Labour	39,652,600		39,652,600
Natural Resources	261,414,300		261,414,300
Transportation and			
Communications	1,134,068,000		1,134,068,000
Social Development Policy	2,395,400		2,395,400
Colleges and Universities	1,429,974,000	8,023,400	1,437,997,400
Community and Social Services	1,318,079,300		1,318,079,300
Culture and Recreation	189,180,800		189,180,800
Education	2,318,845,100		2,318,845,100
Health	4,182,611,000		4,182,611,000
TOTAL	13,502,528,400	173,023,400	13,675,551,800

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1980

1st Reading

December 20th, 1979

2nd Reading

December 20th, 1979

3rd Reading

December 20th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and Minister
of Economics

